

# The Nation.

NEW YORK, THURSDAY, JANUARY 26, 1871.

## The Week.

THE Massachusetts "Labor Reform League" held its third annual convention last week, and passed a series of resolutions that certainly went to the bottom of things. One of them laid it down that any one who took interest for money, or rent for land, or dividends on stocks, or profits on capital, or sold anything for more than it cost him, "was a thief, whom law should bestir itself to lock up and bring to justice." Another affirmed that no man has any more right to own land than to hold slaves, and that all sales of the Government domain are "void." Still another settled the "average cost of money" at one per cent., and declared that all rates of interest above this are a "fraud," and that, in conniving at it, Boutwell, Colfax, and Greeley are worse than Pierce, Taney, and Buchanan. This is unfair to Mr. Greeley. He only differs with the Reformers on the question of degree. They say anybody who takes more than one per cent. is a villain; he says that any one who takes more than seven per cent. is a villain; but he gets his rule out of his own breast and the Labor Reformers get theirs out of their breasts—so that it would be ridiculous for them to quarrel over a paltry six per cent. Boutwell and Colfax we do not defend. We are glad to see that the convention not only "aims at establishing justice between man and man," but between "man and woman." This being the case, it is wicked only to sit for a day or two once a year.

A convention has been sitting, during the week, in Philadelphia, attended by two hundred learned and respectable delegates, whose proceedings it is somewhat difficult to criticise. The object is "to secure a religious amendment to the Constitution" which will "indicate that this is a Christian nation, and place all Christian laws, institutions, and usages in our government on an undeniable legal basis in the fundamental laws of the nation, especially those which protect society against blasphemy, Sabbath-breaking, and polygamy." Speeches were made in support of this scheme. We have not had in our time a more curious display of that feature of Sentimentalism which consists in utter disregard of facts, and which is, therefore, a form of falsehood. The Constitution could not truthfully "indicate" that the nation was more Christian than it really is. Everybody who lives in it knows it is not Christian or anything like Christian, and that it contains hundreds of thousands of Jews and infidels and deists, and millions of Christians in name only. It can hardly be supposed, therefore, that the convention hoped to "indicate" to their countrymen that it is now a Christian nation; so we are driven to the painful conclusion either that they thought they could make it so by constitutional amendment, or impose on the Almighty as to its real character, and secure his favor by a false statement of facts. A "proper oath" must, according to the convention, of course be a Christian oath, which no Jew could take, or, if he did take, could not believe binding. So that we should, if the convention had its way, either have to exclude his testimony or force him to perjure himself in order to present it. In the one case, we should violate the fundamental principle of the Christian religion by a denial of justice, and in the other we should promote and encourage the swearing of the most improper of all oaths, and that is, false oaths. Last of all, there are no "laws which protect society against blasphemy, Sabbath-breaking, and polygamy." All these offences are committed every day on which it is possible to commit them by the great majority of the American people. Denouncing them in the Constitution would not lessen their number. Laws, let us remind the convention, do something—but only a little—towards "protecting" society against anything. You make men better mainly by what you put in their hearts and heads, and not by what you put in the statute-book. Some of the speakers drew attention to France as an awful example of the consequences of wickedness. Let us remark that France furnishes also an example of the consequences of the kind of purblind belief in the power of phrases with which the convention seems to be afflicted.

The Methodists seem at last to have become sensible of the error of their way in trying Dr. Lanahan for saying there were frauds in the management of the Book Concern. The rest of the world seemed so strongly of opinion that the proper order of proceeding was to enquire into the existence of the frauds first, and try the Doctor afterwards, that his arraignment for falsehood, slander, and general cantankerousness became, every day it lasted, more ridiculous; and the brethren finally decided to give it up. Some of them, however, do not see the point to this hour, and have protested against the discontinuance. The whole matter has now been handed over to a sub-committee, which is to report to the General Committee, next year. Some say that this is simply a contrivance for consigning it to oblivion, but if any such scheme is seriously entertained, we trust the press will frustrate it, and that the religious and moral public—for it really seems sometimes as if there was a difference as well as a distinction between them—will keep the scandal in mind by cutting down those dearly-loved "profits" of which Judge Fancher spoke so pathetically. May the profits be small, and the bonds "flat," and the sales "slow," till the mystery is cleared up.

The week in Congress has been rather one of words than of doings. On Thursday, the 19th, to be sure, the President's Missouri appointments were confirmed by the Senate in Executive session, though not without a debate in which their merits, as a political measure, were freely canvassed. On the same day, Mr. Morton succeeded in getting his committee appointed to investigate the lawlessness prevailing at the South, with the usual power to travel about and take testimony, and call for persons and papers. Mr. Wilson introduced a Civil Service bill, whose provisions are very simple and well-considered, and which, besides providing for the examination, by a board, of applicants for offices worth more than \$1,200, and fixing their tenure of office and conditions of removal, forbids their being assessed for any purpose, or serving as delegates to any political convention or members of any political committee, etc., on pain of dismissal. The Senate, also on Thursday, listened to a communication from the Chief of Ordnance to the Secretary of War, to the effect that Congress had been so lavish in giving away condemned ordnance for monuments that he doubted being able to satisfy appropriations already made. For the present, therefore, we hope to hear no more of Mr. Clark Mills's monstrous Lincoln monument. Mr. Trumbull's "Importunity Bill," as it is now called for short, came up on Monday, and its author was more than a match for Mr. Morton, who had procured statements from the heads of departments that their clerical force was too small rather than too large. Mr. Trumbull pointed out that this was precisely the effect of incapable appointments, and then brought testimony to prove the amount of idleness in many of the bureaus. The House has been busy with railroad grants and steamship subsidies, and with a bill to establish a Territorial Government in the District of Columbia—one of the votes on the latter involving the yeas and nays on woman suffrage: 55 in favor, and 117 opposed. On Monday, a bill, whose justice in principle we have frequently maintained, was introduced, to assimilate the rank of the staff of the Navy to that of the line.

Mr. Wilson's Civil Service Reform Bill is a great step in advance, and proves, if it does nothing else, the rapid progress the idea is making even among the older politicians, who might naturally be expected to treat it as a fancy scheme, unworthy of serious attention. In the Senate, the only strong opponents of the reform now are, as might have been expected, Messrs. Cameron and Morton. Of Mr. Cameron we have not much hope, but since Mr. Morton came out, in 1867, in favor of paying the debt in greenbacks, and then, in 1869, said it would be an outrageous fraud to do so, we feel satisfied that no good cause need despair of securing his support eventually. We know we shall see him jump round and share our dislike of the present mode of filling the Government service. He is not like that old bigot of whom it is told that he used to say "he thanked God he was not open to conviction." Mr. Wilson's plan has one excellent feature—the clause which forbids

clerks to meddle in politics on pain of dismissal. But it has one almost fatal defect—in that it does not propose to award the appointments on competitive examination. Any other kind of examination is sure to become a farce, and for the sound and well-tested reason, that there is little or no use in imposing a duty of this kind on a public officer unless you arm some one else with the means of asserting the corresponding right. You will say in vain to the head of a department that he must fill his vacancies with the best-qualified men unless you bestow on the best-qualified men the power of insisting on his doing it.

We commented, in August, 1869, on the case of Cheney ag. Chase in which the Superior Court in Chicago granted an Episcopal clergyman an injunction restraining the ecclesiastical court of his own church from pronouncing on him a sentence of disqualification for unsoundness of doctrine on the question of baptismal regeneration. The injunction was granted on the ground that the profession of a minister was "property," and that any judgment or decree which drove him from it might, therefore, properly be examined, and, if found irregular or unsupported by evidence, overruled by the secular courts. We pointed out at the time that this decision, if sustained, would create a connection between church and state of the most mischievous kind, and would place the discipline and doctrine of every denomination in the country at the mercy of the judges, and it might be of judges like Barnard and Cardozo; and that it was utterly opposed to the spirit of the Constitution and to the manners and usages of American society. We are, therefore, very glad to say it has been unanimously overruled on appeal by the Supreme Court of Illinois. The judgment acknowledges that the profession of a clergyman is property, but it is property created by the rules and regulations of the religious body to which he belongs, and held and enjoyed on condition of obedience to them. On the question—and it is an important one—whether the ruling of an ecclesiastical court is conclusive as to its own jurisdiction, the Supreme Court was divided—a minority holding the negative.

The "Irish exiles," or, in vulgar language, the Fenian prisoners lately liberated by the British Government, arrived on Friday morning by the *Cuba*, and met with a very diverting reception. Two different sets of politicians made arrangements to "capture" them as they came up the Bay, and went down in tugs for the purpose—one, the Tammany organization; and the other, a composite body made up of the "Fenian Brotherhood," "The Irish Revolutionary Brotherhood," and the malcontent Democrats, with a Republican reinforcement, the whole headed by our worthy Collector, Mr. Thomas Murphy, who went into the fight in a Government cutter. Although he boarded the *Cuba* in what appeared ample time, he found he had been outmaneuvered by Tammany, as the Health Officer, who is a Tammany nominee, had thrown a powerful force of Tammany marines on board the ship as she passed Quarantine, and the representative of the United States found the *Cuba* full of them. The feelings of the warring factions when they met on board may be more readily imagined than described. They freely denounced each other, and a stand-up fight over the bodies of the "exiles" at one time seemed not impossible. Several addresses were presented; and General Millen, of the Collector's party, bade them welcome "on behalf of the United States;" but, on being asked tauntingly "if he was the United States," was forced to confess that this was simply a form of speech resorted to to "prevent the men being made the tools of Tammany tricksters." The exiles, seeing how the land lay, politely but firmly declined to accept the invitation of either party, and, after a brief but vigorous effort on both sides to get them to come off in the rival tugs, they were left alone long after midnight. We should like to know what the President thinks of Collector Murphy's part in this performance. It is very curious to read the biographies of the exiles in the Fenian papers, and see how from martyrs they are growing into war-worn veterans. Several have borne, we are told, a distinguished part in "battles" in Ireland the names of which are judiciously withheld. One played a prominent part in a spirited attack on a "British garrison," but we are enabled to fix the scene of his exploits by the fact that the only "British garrison" attacked dur-

ing the war was that of a police station, and consisted of six constables all told, who capitulated on condition that they were not murdered. The new arrivals, however, seem to appreciate the situation, and understand that they are surrounded by an atmosphere of humbug, which in a Fenian is a sign of extraordinary perspicacity.

The legitimate merchandise trade of the country, which supplies the daily wants of the community, continues to show a moderate degree of activity; the export trade is lively on very heavy cotton receipts and shipments, and an improving demand for our produce from abroad; the grocery trade, partially interrupted during the last weeks of the year owing to the new tariff, is large; and in the lines of manufacturing industry, interrupted by the great drouth throughout New England, there is some speculative movement based upon fears of an insufficient supply of goods in the spring. But all other branches of business are dull and stagnant. The coal strike as yet continues. The iron manufacturers complain of dearth of orders and accumulation of stock. Railroad enterprises, even of the most promising description, find it impossible to raise funds. House-builders say that the prospect of the building trade was never so poor, and real estate in the city, in spite of a large and very successful sale of choice improved property during the week, does not materially revive, while from all other parts of the country real estate is quoted almost unsalable. The rumors concerning a reorganization of the Union Pacific Railroad Company, which has now grown to be a question of the greatest national importance, have taken a new direction, and it is now reported that a controlling interest has been purchased by the Pennsylvania Central Railroad Company, which would tend to make the present great railroad problem even a trifle more complicated. Another fire insurance company, this time in Massachusetts, has made a disgraceful failure, and the question is being asked, Who will insure the insurance companies? Money, in spite of artificial manoeuvres of stock cliques, has been easy, and stocks strong. Gold and Government bonds steady, but without activity.

The anticipations which we have all along ventured to express about the course of events in France have been only too fully justified by the news of the last week. The new armies which Gambetta raised with so much vigor have been crushed in detail by a series of defeats, which confirm the testimony which the correspondents have been bearing ever since D'Aurelles de Paladines' defeat at Orléans—that there is no fight left in the French levies. Masses of them may continue to be gathered together, but only to be slaughtered and dispersed. Gambetta, meanwhile, according to the last reports, continues as jaunty and hopeful as ever, and makes it his special business not to despair of the Republic. The state of things, however, grows more terrible as the crisis approaches—and for two reasons. One is, that there is no likelihood that either Gambetta, Favre, or Trochu will have the moral courage to affix his name to a humiliating peace, and any peace that is concluded now must be humiliating. Indeed, it is doubtful whether any one or any two men of any country would, under similar circumstances, have been willing to assume any such odium or responsibility. These three will, therefore, probably shirk it, and disappear from the scene in the whirlwind of a new revolution, leaving the country absolutely without a government, and dependent upon the Prussians for protection against total anarchy. The mere mention of this contingency must be sufficient to convince any thinking man of the guilt of refusing to convene a national assembly. Nothing but a representative body can face such a crisis as is now impending over France.

The second reason is, that there is good ground for fearing that the memory of the misfortunes which occurred under the Empire, and which were only brought home to a small proportion of the population, will have been lost sight of by the time the collapse comes, under the pressure of the greater and more widespread misfortunes of the sham Republic, and that there will be a strong reaction in favor of the Bonapartes throughout the country. Dictator for dictator, the people will say, we like Napoleon better than Gambetta. Napoleon's hold on the peasantry, all competent observers testify, has not been seriously



shaken, and nothing is better calculated to revive it than six months' experience of a defeated, bankrupt, anarchical republic, personated by a rhetorical lawyer. The republicans of the cities, too, have shown themselves arrant impostors. The "Reds" of both Paris and Lyons have proved simply impudent braggarts. Even Rochefort has been disgusted with them, and Flourens, who has led them in Paris, has proved—what we always felt sure he was—a half-crazy agitator. The famous Belleville battalion, which was supposed to be panting for feudal blood, has had to be dissolved as mutinous and cowardly humbugs, who ran away and deserted in the face of the enemy, and fought each other in the trenches. In fact, the Prussians have effectually disposed of the theory that the "Reds" were terrible as fighting men. Trochu plainly declared in his book that their claim to have shared largely in repulsing the foreigner in 1792 had no foundation in fact; and, indeed, the only occasion on which they have supported their pretensions to courage was in June, 1849, in their rising against the Republic or rather against property. The ideas which give them all their fire are essentially anarchical, and make discipline among them impossible.

General Chanzy's disastrous defeat has been followed by the discomfiture of Bourbaki's operations in the East, and the total rout of Faidherbe's army in the North. Bourbaki, undismayed by the reports of approaching heavy reinforcements for the Germans, had continued his advance for the relief of Belfort, amid much skirmishing and some severe fighting, as far as Montbéliard and Héricourt; but in the vicinity of the latter place, near the banks of the Lizaine, the Germans, under Von Werder, occupied a strong defensive position, barring the entrance into Alsace, and the decisive battle was still to be fought. He attacked them on Sunday, the 15th; the combat was obstinate, lasting until dark, and ended with the repulse of the French along the whole line. He renewed the attack on the following day, and was again repulsed with heavy loss. A third and last assault, on the 17th, met with equal failure. Bourbaki now entered upon a full and speedy retreat, which was probably hastened by the apprehension of German movements on his flank; and Von Werder as speedily began the pursuit. This new advance of the Germans must have been very vigorous, as we have the report of their having occupied Dôle, after a bombardment. Dijon, too, has again been attacked, but unsuccessfully, by a Prussian force, the French troops commanded by Menotti and Ricciotti Garibaldi being in the action, and "behaving splendidly," according to a Bordeaux despatch. That Prussian force, however, may not be of Von Werder's army, but a division of the Prussian Second Corps, whose arrival from the vicinity of Troyes has been looked for by the Germans in the East. Bourbaki's main line of retreat is not distinctly indicated in the despatches here received—a portion of his troops, however, seem to be retiring east of the Doubs.

General Faidherbe, having been reinforced by a large number of mobilized national guards, resumed the offensive about the middle of the month, slowly advancing from his positions between Arras and Cambrai towards the Somme. His right wing, possibly with the intention of deceiving the enemy in regard to his objective, moved in the direction of Amiens, occupying Albert, and pushing forward as far as Corbie; his centre, however, marched on St. Quentin, which fell into his hands with some military stores, and subsequently occupied positions in front of it. Here he was attacked, on Thursday, the 19th, by General Von Goeben, Manteuffel's successor in command of the Prussian forces in the North. After a severe fight, the French were driven from all their positions, and into St. Quentin, with a loss of four thousand prisoners; the national guards, panic stricken, flying in the utmost disorder. Von Goeben lost no time in pursuing the disorganized army, and, on the 20th, took St. Quentin, making still larger captures. The total loss of the French—on both days, as we presume—is stated, in the Versailles telegram "to the Empress Augusta," to have been fifteen thousand. That telegram adds: "The enemy has withdrawn to Valenciennes and Douai; we have again occupied Cambrai." The latter statement, however, refers to the open portions of the town.

The wildest consternation prevailed in Lille and its vicinity, but Faidherbe and Gambetta, who met in that city after the defeat—the latter coming from Cherbourg—tried their best to rouse the spirits of the people, by "enthusiastic" harangues and "hopeful" orders of the day, to continue the struggle "to the bitter end." "France," Gambetta declared, "prefers an eternal war to the surrender of any portion of her territory." And the patriotic audience cheered the declaration—fragments of Faidherbe's army all the while arriving "in a pitiable state."

The bombardment of Forts Issy, Vanves, and Montrouge, and, as it seems, of the adjoining parts of Paris, has been continued throughout the week with some intermissions, but it would be hard to state with what effect. Versailles despatches have it that the Prussians are steadily advancing their batteries nearer to the city, but, according to reports received from the besieged, their fire is far from being in a high degree destructive. The statements concerning the stock of provisions still left to the Parisians are equally contradictory. The people, however, are evidently becoming more and more impatient of the siege, and of the resultlessness of Trochu's attempts to raise it. The last sortie was made on the 19th, from the side of Mont Valérien, under cover of a heavy fire, and in great force. The French succeeded in surprising the Prussians, and carrying their position on the heights of Montretout. The besiegers, however, soon rallied, and, concentrating a considerable force of infantry and artillery, retook the position, after a sanguinary conflict, and repulsed the enemy with great loss. The French remained outside of Paris, massed at the foot of Mont Valérien, and threatening a fresh attack on the 20th, which, however, they failed to execute, withdrawing into the city at a late hour of that day. This new failure gave rise in the besieged capital to fresh and loud popular denunciations of Trochu's military leadership, which was decried as feeble and temporizing. This dissatisfaction seems to be shared by a portion of the Parisian Council of Defence, at the last meeting of which—shortly before or after the sortie—Trochu, importuned by demands for grander efforts, is reported to have offered his resignation, which came near being accepted in favor of a military triumvirate. The news of Chanzy's defeat, we hear, had been received "stoically" by the people of Paris. In pursuit of that general, the troops of the Grand-Duke of Mecklenburg had advanced beyond Alençon, and those of Frederic Charles beyond Vaiges, on the road to Laval. Cheered by favorable reports from every quarter, William of Prussia, on the 18th, formally proclaimed himself at Versailles Emperor of Germany—an empire which now embraces also Bavaria, the Federal treaties with this kingdom having finally been ratified by both houses of its legislature.

In no point is the superiority of the Germans more striking than it is in their finances. While the French are unable to raise any more money, and talk of returning to assignats, the recent North German loan, in spite of much grumbling at the method of its introduction, maintains itself at a premium, and money at Frankfort is reported "a drug," and the bank rate has been reduced to three per cent. There is, however, according to late Cable advices, an unexplained drain of specie from England to Germany, which may indicate preparations for peace, or may be the first indication of financial depression. The total debt of the North German Confederation amounts to less than \$150,000,000 in coin, while that of Prussia proper, including all the states annexed in 1866, amounts to about \$300,000,000, one-half representing the cost of railways built by the state, which, unlike some of our state roads, are worth their cost, and are even paying off the principal of the debt at the rate of two and one-half per cent. per annum. While on the subject of foreign finance, we may mention that the kingdom of Spain, over which the young Italian now reigns, has a floating deficit, totally unprovided for, of nearly \$70,000,000, in addition to its funded debt, and enters on the new year with a further deficit in prospect of about \$20,000,000, and without the cash to pay nine or ten millions of interest just maturing. It is, after all, no wonder that, with all our mismanagement, American securities continue to advance abroad.

## THE MORALITY OF ARMS-DEALING.

THE fact that although the French have drawn supplies of arms and ammunition nearly if not quite as large from this country as from England, and that Prussia, though inveighing bitterly against the toleration of the traffic by the English Government, has taken no notice of its activity in the United States, has perhaps done more than anything else to cause uneasiness in England touching Prussian intentions with regard to her, and has given fresh vigor and point to the demands for active and immediate interference on the French side which a portion of the English press has been recently putting forth—a portion, too, which has no sympathy with the Positivist notion that France is the Holy Land and Paris the New Jerusalem. The discrimination between England and America, made not only by the Prussian Government, but by the public and the army, there is no denying it, looks more like an indication of a desire to pick a quarrel, or get materials ready for a quarrel with the former, than of a desire to patch up the rules of international law. The doctrine of "benevolent neutrality," too, produced so solemnly by Count Bernstorff, being clearly not a joke, has been taken, and not unnaturally, in spite of the pacific sound of the term, as a sign of growing ferocity of temper, and of a desire on the part of Prussia to thrash some neutral or other. The British public has, consequently, been for the last two or three months in the same uncertain frame of mind about its relations with the Prussian Government as we may suppose the Jew to have been who was severely cudgelled with the royal hand in the streets of Berlin, for running up a side street when he saw Frederick William I. approaching. His subjects, his Majesty said, ought to love and not to fear him, and he enforced the rule by inflicting a sound thrashing then and there on the first person taken *flagrante delicto*.

If the Prussians had from the beginning assailed the United States as well as England—that is, made the obligation of "benevolent neutrality" general and not particular, they would doubtless have received hearty support from that large body of persons in this country who hold the sale of arms to belligerents to be immoral, and its prohibition by municipal law a duty resting on higher grounds than international usage. The illustrations they have adduced in support of their theory, and especially that of the two men fighting in the street, one of whom a neighbor supplies with a knife or pistol, shows, however, that they have contented themselves with a very limited survey of the field. What makes the fight of the two men useless for their purpose is, that the manufacture and sale of arms, which go on on a great scale in the United States, England, and Belgium at all times, employ an enormous amount of capital and thousands of operatives. The export of rifles and revolvers for military purposes is a very important branch of the national trade in all these countries. It is viewed with no disfavor or reprobation. A manufacturer of arms, or the inventor of a new cartridge or breech-loader, not only finds that his achievements do not injure him in the estimation of his neighbors, but that, if he is successful, they are actually titles to honor and distinction. Colonel Colt, or Remington, or Sharpe, or Sir William Armstrong, or Krupp, has certainly never found that his calling brought any stigma on him, or that it barred his entrance into any Christian church, or charity, or mission-board, or made his subscription to any benevolent or religious enterprise unwelcome. On the contrary, the fact is—and in view of what we sometimes listen to on the subject of "the horrors of war," we think we may call it an amusing fact—these forgers of weapons are held in high honor and repute as great industrial chiefs. Their factories are pointed to with pride; their contracts with foreign governments are chuckled over for their glorious effects on "the balance of trade." All this is, of course, comprehensible and defensible on various grounds. We know several good reasons why the business of a manufacturer or dealer in arms should be treated as perfectly legitimate; we should be sorry to see him brought before a court of philanthropists as "a bad man," and condemned on the ground that certain ladies and gentlemen were of opinion that there should be no more war.

But here comes in the absurdity of this outcry about the immorality of selling arms to belligerents. Turkey has been arming for the last three years vigorously with Remington breech-loaders, all imported from

this country. It is well known that they are to be used in killing Russians, but no word of protest has ever been heard against the transaction, or will be heard as long as the killing has not actually begun. France, between 1866 and 1870, procured about 500,000 Chassepots, some at home but many abroad, without any whisper of objection also, though it was well known that they were intended to be used in killing Germans. Let Turkey, however, begin to defend herself this summer against an attack by Russia, and we shall be gravely told that to sell any more Remingtons to her to take the place of those lost in active service, or to arm fresh troops, is a crime against humanity. So, likewise, it would, in June, 1870, have been a perfectly proper thing to have delivered 100,000 rifles in Paris, to arm the troops getting ready to invade Germany; but to deliver them at Bordeaux, in December of the same year, when, according to these same moralists, France is defending the cause of human freedom, besides fighting for her own life, is blood-guiltiness.

We have only, indeed, to state the case to show the absurdity of the distinction which the Prussians have been trying, and not unnaturally, to set up for their benefit, and to which they have managed to get the adhesion of some people here and elsewhere who ought to know better. There is not a shred of authority in international law for the doctrine that any neutral government ought to interfere with the trade of any dealer in arms who chooses to run the risk of capture by belligerent cruisers. There is not the shadow of excuse in morals for applauding the sale of arms for warlike purposes up to the moment the war breaks out, and then reprobating it as unchristian. War, and the preparation for war—as we endeavored to show some weeks ago when discussing the peace agitation—are parts of one great transaction, which must, in the forum of morals, stand or fall as a whole. If you give your neighbor lessons in shooting and fencing, and sell him powder and ball, and pistols and cudgels, and in all your conversations with him impress on him the beauty and glory and justifiability of thrashing somebody, you cannot save your Christian character and build up a reputation as a peacemaker by shutting your doors and refusing to let him have any more cartridges or knuckledusters as soon as you see him actually engaged in a fray in the street; and if you take to preaching the duty of forgiveness of injuries to him out of a window, you cannot wonder if he recognizes and denounces you as a Pharisee and a cheat.

The Prussian complaint, we are glad to see, is likely to have its absurdity made still more patent by the action of some of the Germans in this country. Meetings have recently been held in the West, at which the partiality of the Government at Berlin was rectified by denunciations of the Administration at Washington for permitting the export of arms to France, and resolutions have been passed refusing it confidence and support till it changes its policy. When we see German-American citizens voting against the Republican party because it refuses to violate a well-known rule of international law, and to saddle itself with new and difficult duties, to the great loss and detriment of American citizens, in order to compensate Germany for the want of a navy in a war with France, the doctrine of "benevolent neutrality" will have been relegated to its proper place among the odd fancies, born of excitement and embarrassment, to which all belligerents are liable.

## AMNESTY MEASURES.

THE various bills now, or lately, before Congress providing for a removal of disabilities in particular cases, or for a complete amnesty to all persons engaged in the rebellion, or to certain classes thereof, make it proper to examine the exact legal status or condition of the rebels towards the United States Government in relation to the personal penalties, civil and political, incurred by them on account of their acts and defaults. Under laws long in existence, it is certain that all those who "levied war" against the United States were traitors, and liable to the punishment prescribed for the crime of treason. We assume the same to be true of those who adhered to the rebels, and gave them aid and comfort; although there is some doubt upon this particular point growing out of old dicta in the English books, which confine the operation of this clause in the statute of treasons to those who give aid and comfort to foreign enemies, and deny its application to any rebel-



lion or insurrection. Under the broader assumption, however, the number of persons who became liable to the penalties of treason was small compared with the entire population of the Southern States, because the "aid and comfort" of the law mean material aid, which, if not exclusively of a military nature, must be such as will directly sustain and promote the armed resistance to the authority of the United States which the same law calls "levying war." Sympathies, friendly acts to persons, words, and opinions are not embraced within the phrase. But the rebellion assumed such proportions that the contest was conducted with all the forms of public war. This brought it under the domain of international law, and within the rules applicable to hostilities between independent sovereignties. The Supreme Court has repeatedly decided that, as a consequence, all the inhabitants of the insurgent States, without regard to their private opinions, were enemies, and that their property was liable to seizure and confiscation. Congress, however, did not exercise this power to its full extent, but provided for the forfeiture of property belonging to the disloyal. It also contrived the well-known system of test-oaths. Such were the personal liabilities imposed upon residents within the revolted States, viz., the punishments inflicted for treason and sedition, confiscation of enemy's property, and the scrutiny of the test-oath.

It is not denied that all these penalties, unless they had already been fully executed, would be uplifted and removed from any particular offender by a pardon. Proceeding upon the notion, which was undoubtedly a mistaken one, that such an act was necessary, Congress, on the 17th of July, 1862, passed a statute authorizing the President, at his discretion but under some limitations, to grant a general pardon or amnesty. President Lincoln, on the 8th of December, 1863, issued a proclamation announcing to all persons who had been engaged in the rebellion, and who should take a prescribed oath of future allegiance, and keep the same, that a free pardon was thereby granted to them, with restoration of all rights of property except as to slaves. President Johnson, as is well known, granted a large number of specific pardons. On the 7th of January, 1867, Congress repealed the statutory provision of 1862 above-mentioned. Notwithstanding this repeal, and claiming to possess the constitutional authority independent of Congress, President Johnson, on the 4th of July, 1868, issued a proclamation by which he conferred full pardon and amnesty, with restoration to all rights of property except as to slaves, and except, also, any property of which any person might have been legally divested under the laws of the United States, upon all persons except those under indictment for treason or other felony. Finally, on the 25th of December, 1868, he granted in the same manner full pardon and amnesty to all persons, without exception, with restoration of all rights, privileges, and immunities.

The Supreme Court of the United States has recently had occasion in several instances to pronounce upon the effects of a pardon, and has uniformly sustained the settled doctrine of the English law, that it relieves the offender from all penalties and forfeitures to the government which have not already been completely executed. In the case of *Padelford vs. The United States* (9 Wallace, 531), Mr. Padelford claimed the proceeds of his cotton which had been seized and sold when Savannah was occupied by the national forces. The statute provided that the owners of cotton so taken should be entitled to the proceeds thereof if they established their loyalty to the Government. Before the seizure, Mr. Padelford had taken, and subsequently kept, the oath prescribed in President Lincoln's proclamation of 1863. The Court held that his loyalty at the time of the seizure was thus established, although previous to taking the oath he had done acts which were decided to be disloyal. Mr. Chief-Justice Chase remarked that "after the pardon no offence connected with the rebellion could be imputed to him." Immediately upon the announcement of this decision, Congress passed a statute to the effect that in other similar cases a pardon should not be sufficient to establish the claimant's loyalty. The validity of this last enactment may well be doubted, for it seems to infringe upon the pardoning power which belongs exclusively to the President. The case of *Armstrong's Foundry* (6 Wallace, 766) was a proceeding to confiscate a rebel owner's property. He had received a special pardon, and this, it was held, relieved him from liability of forfeiture to the

United States. In the celebrated case, *ex parte Garland* (4 Wallace, 333), the Court decided that a pardon granted to Mr. Garland enabled him to practise law without taking the test-oath required by Congress, its effect being to uplift and remove that penalty. The prevailing opinion said of him that "he is as innocent as if he had never committed the offence." It should be observed that there was no dissent in this case as to the powers of the President, nor as to the general effects of his pardon; the minority simply denied that the test-oath was a penalty to which the act of grace could apply, and insisted that it was merely a qualification to the exercise of an attorney's office. No decisions have yet been made directly based upon President Johnson's two sweeping amnesty proclamations issued after the repeal of the statute of 1862. There can hardly be a doubt as to their validity. The principle of constitutional law, that the President is clothed with all the prerogatives of mercy which belong to the British Crown, and that the word "pardons" used in the Constitution includes all the species known to English jurisprudence, was settled long before the rebellion; and the Court, in *Garland's* case, said the power of the President is unlimited, and is not subject to legislative control. The result is, that all civil penalties which hung over the Southern people, all forfeitures not fully executed, all liabilities to punishment, are wiped out and utterly destroyed.

The same would probably be true of any political disabilities imposed by Congress. It is unnecessary, however, to discuss this abstract question, for the XIVth Amendment has established a class of such disabilities which, being created by the organic law itself, are beyond the reach of the pardoning power. It has often been said that the third section of this amendment disfranchises the persons embraced within its prohibitions. As the word "disfranchise" is commonly used, this statement is untrue. The right to vote is not interfered with; only the capacity to hold office is taken away. Persons who have been members of Congress or of a State legislature, or officers of the United States, or executive or judicial officers of a State, and who, as such, have taken an oath to support the Constitution, and have engaged in the rebellion, or given aid and comfort to the enemies of the United States, are debarred from all official positions, civil or military, under the national Government or under a State. This prohibition is sweeping and inclusive; for the term "judicial officers" embraces justices of the peace as well as judges of the highest courts, and sheriffs and constables are executive officers as well as governors.

Congress has already passed several statutes removing these disabilities from designated individuals. This method of procedure is plainly liable to great abuse. It can be made, and has been made, a means of accomplishing mere partisan ends, and of gratifying partisan dislikes. Persons who have undergone a political conversion which brings them into harmony with the majority are easily set free from the restraints of the amendment, no matter how deeply they may have been implicated in the rebellion; while political opponents are subjected to a severer scrutiny and escape with difficulty. We are glad, therefore, to learn that Senator Trumbull will hereafter resist all such special bills until the Senate shall have considered and passed upon some general measure. The conviction, long felt by the more thoughtful members of the Republican party, that a scheme of substantial relief would not only be just but politic, is beginning to impress itself upon the professional politicians. There exists, however, a great difference of opinion upon matters of detail which it will be difficult to harmonize. In December last, Mr. Butler introduced a bill which has been termed an amnesty, but is so only in name. It entirely ignores the general pardons issued by President Johnson, and professes to remove all civil penalties and forfeitures as well as the disabilities created by the Fourteenth Amendment. It excepts from its own operations, however, the following large classes of persons who have engaged in rebellion or given aid and comfort to the enemies of the United States, viz., those educated at the military or naval schools; members of Congress and of the Confederate Congress; heads of departments, foreign ministers, judges of the United States courts, and the like officers under the Confederate Government; members of conventions voting for or signing ordinances of secession; governors of seceded States; persons in the Confederate service who treated pri-

oners with cruelty; persons having charge of public moneys who have not accounted for the same; deserters and bounty-jumpers. It also excepts from its restoration of property-rights all forfeitures already executed, and the national cemeteries. Finally, it declares invalid all rights of action and liabilities arising on any ordinance, law, or contract in aid of the rebellion. It will be observed that Mr. Butler recognizes the existence and provides for the continuance of penalties far greater in number and more stringent in effect than those embraced within the prohibitions of the XIVth Amendment. His bill, instead of being an amnesty, is, in fact, a stringent measure of repression and punishment, and would, if possible, reverse the decision of the Supreme Court and annul the pardons of the President. Mr. Beck proposed to except only persons educated at the military or naval schools, members of Congress, heads of departments, foreign ministers, and judges of the national courts. Mr. Farnsworth offered a substitute, short but comprehensive, that all political disabilities imposed by the third section of the XIVth Amendment be removed. The discussion which followed showed that Mr. Butler's bill cannot pass, and the whole matter seems to have been left in a lethargic state, only to arise, we hope, with renewed energy and vigor.

We should be glad to see the simple measure of relief offered by Mr. Farnsworth adopted, with an amendment excepting from its operations a very few individuals, who should be designated by name—the first of whom should be Jefferson Davis. The objections to the third section of the XIVth Amendment, which exist in the nature of things and can never be obviated, are the reasons why Congress should at once use its power and abolish the system of disabilities. These objections and reasons are summed up in the single fact that the amendment is an *ex post-facto* law, and one, moreover, of the very worst character. When the Constitution was adopted, *ex post-facto* laws were well known as the ready and efficient instruments of a tyrannical parliamentary majority. All history, and emphatically all English history, had taught their danger. Their very essence is injustice. Both Congress and the State legislatures were therefore forbidden to pass such enactments. It is a scandal that side by side with this prohibition there now stands in the very Constitution itself a provision which embodies all the features which make *ex post-facto* laws odious—a provision which is especially opposed to the primary conceptions of a republican government, because it works a deprivation of political privileges. It is doubly a scandal that this was the work of men who claim to be the champions of the rights of man. As these prohibitions are essentially unjust, and as they are peculiarly irritating, it is not strange that they have promoted discontent and disorder.

#### THE CONDITION OF LIFE INSURANCE AMONG US.

THE recent disastrous failure of two life insurance companies in this city has directed public attention anew to a subject the magnitude of which is scarcely realized even by those directly interested. The discussion which has arisen is rendered confusing by the failure to discriminate between the different parts of the subject to be discussed. The question of the morality and public policy of the system, which has been revived by recent events, however important in itself, has really nothing to do with the questions now before the country. Practically, these latter relate solely to the general possibility of making life insurance safe, to the soundness of our present system, and to the methods now in use for putting that system into practice.

The theory of life insurance is based upon two essential assumptions—the rapid accumulation of money invested at compound interest, and the average duration of human lives, or, in other words, the average number of annual deaths out of a given number of individuals of the same age. The latter is derived from a mass of statistics which, by competent authority, are asserted to be amply sufficient to warrant the conclusions drawn from them; although it should be borne in mind that since the origin of life insurance the civilized world has been visited by no general pestilence, which it is by no means certain may not again recur, in spite of our great progress in modern times in medical and sanitary science. The danger from pestilence is, however, undoubtedly remote; and although we, in the United States, are trying

the system under novel conditions, owing to the most extraordinary migration of peoples that the world has seen since the Middle Ages, which have already somewhat modified the conclusions of European experience, we may yet safely adopt the dictum of scientific enquirers that the calculations of our life insurance companies, as far as the element of mortality is concerned, are sound and satisfactory, and that life insurance itself is sound in this respect if the rules established by science are rigidly adhered to. If the companies exercise ordinary prudence in the selection of their risks—in other words, if they only assure the lives of persons of good habits and in good health, or receive a corresponding increase of premium for the insurance of those whose health and habits are less perfect—they will be safe in this particular.

Unfortunately, the system of inducing people to insure their lives adopted with us tends directly to destroy prudence in this regard. The system of employing agents to solicit insurance, especially in cities and towns at a distance from the chief office of the companies—the agents receiving a commission on the amount of premium paid by the insured—is utterly subversive of all sound business principles. The principle that the agent's earnings depend upon the number of persons whom he can induce to insure their lives—however apparently sound in ordinary business—is utterly unsound here, because it puts the agent's interest in direct conflict with the interests of his employer, the company. It is the agent's interest to procure the acceptance of every life that he presents for insurance, and, instead of making it his duty to aid his employer in discovering every cause of rejection, it virtually pays him a premium to aid in concealing it. It is utterly useless to urge in extenuation of this fact that the application must be accompanied by statements from the insured, any falsehood in which would vitiate his insurance; that he must present certificates from the family physician, or other reputable medical adviser, or from friends; that each policy is submitted to the medical counsel of the company; and that, finally, the company itself reserves the right to reject any policy accepted by its agents. No man or woman of the world need be told how weak are these supposed safeguards, especially when both the physician and the agent are virtually "retained," to use a legal phrase, on the side of the insured against the company.

The case is somewhat different where the insured resides in the same place as the chief officers or one of the competent branches of the company, and where the medical adviser of the company is engaged, at a salary, to serve the exclusive interests of his client. But even here an element of demoralization enters that saps the whole system. Every employee of the company is *ex officio* an agent for the company to solicit insurance. With a view to increase the interest of the employees in the success of the company, they receive, the same as any other agent, commissions on the premiums which they procure for the company; but, by a process of the most extraordinary sophistry, they are supposed to be securing the success of the company while they are merely increasing its business, and while their own interest in the matter is directly opposed to that of the company. It is true that the medical advisers of the company reserve the final decision as to the acceptance or rejection of the risk; but, when president, vice president, secretary, cashier, and every subordinate clerk is in the receipt of annual commissions on policies procured for his corporation, varying from five hundred dollars to twenty-five thousand, and, if common rumor is to be believed, to even more; when even directors—directly or indirectly—become solicitors for the companies, and receive commissions; when men are openly spoken of as having made fifty or a hundred or two hundred thousand dollars "by life insurance," where, in this age of moral obtuseness, is the value of the approval by a salaried medical man of any risk submitted to his decision by the very men who hold his appointment—frequently his sole means of support—completely at their mercy? It is idle to say that there are men who can remain honest under such temptations. No doubt there are. But it is positively wicked to expose the purest man to such influences; and, unfortunately, the pure and strong are few and far between.

So long as agents for life insurance companies are paid by commissions, and thereby virtually rendered the enemies of their employers; so long as officers of companies are allowed to receive commissions on the premiums that they procure, just so long will there be an element



of weakness and corruption within the organization itself, which no amount of honesty and business shrewdness in its managers can permanently counteract. When the public begins to understand and appreciate this circumstance, it is to be hoped that some of the older and well-established companies, whose reputation insures them a certain amount of business independent of agencies and employees, will make or enforce the experiment of abolishing this system, and either secure its prohibition by law, or else by the force of public sentiment compel the younger or weaker companies to follow their example. The injurious results of the commission system, arising from the enormous expenses thereby incurred, are insignificant compared to the injury arising from the corruption which it almost inevitably engenders. The magnitude of the temptation offered by it is seen when we remember that the annual premiums received by insurance companies doing business in this State exceed fifty millions of dollars, on which some companies are reported to pay as high as forty per cent. commission, while probably the average does not fall much below twenty per cent., making a fund of something like ten millions of dollars to be earned by a system which is in itself a temptation to dishonesty.

It is scarcely too much to say that this commission system is one of the main incentives to the establishment of new companies by reckless or overambitious persons. When companies with a capital of one hundred thousand dollars can obtain an annual income of one million, a very small portion of which only can be called for in the earliest years of its existence, it will be readily seen how easy it must be to obtain the loan of that capital, by the processes known to incorporators, until it can be repaid, in some form or other, out of the receipts of the corporation; and where shrewd, active, and unscrupulous managers thus have the opportunity to earn for themselves annual commissions amounting to more than their capital, the temptation is irresistible. The process is generally as follows: The parties who desire to get up a new company, themselves make liberal subscriptions to the capital stock. The lawyer who is to be retained by the company at an annual salary is expected to take at least an amount of stock equal to his salary; the medical adviser, the same; the stationer, whose bills form a very large and important part of the annual expenses, does the same. The advertising agent, the president, and other officers of the company, and, finally, the persons who expect to become the company's principal agents, follow suit; and then, of course, as many outsiders as possible are induced to join. Most of these persons have to borrow the money to pay for their stock; but it is generally easy to borrow money for a short time on such stock, because it is known that with ordinarily decent management and activity it is next to impossible for a life insurance company to fail in the first years of its existence, and because it is known that the gains of the parties in interest are likely to be large enough to enable them very speedily to repay the lender. With a company thus organized, even if started with the most honorable intentions, and with the temptation of large commissions constantly dangling before the eyes of every one concerned, it is evident that the supposed safeguard of medical inspection and control becomes a mere delusion—a farce. Premiums and commissions *must* be earned, and the safeguard of medical control is swept to the winds. It must be remembered that we are speaking of companies intended to be managed honestly, and are speaking only of the evils resulting from one bad principle incorporated into the system—the principle of paying commissions on premiums procured by agents and officers of the company. This principle, we maintain, is subversive of all safety in the business of life insurance, because it upsets all calculations based upon the “average duration of healthy lives,” which forms one of the two fundamental facts on which the whole system of life insurance rests.

The second of these two facts is the rapid accumulation of money at compound interest. It is evident that this fact depends entirely for its value upon the safety of the manner in which the money is invested. Now, it has generally been believed that no investment could well be much safer than that of bonds and mortgages on real estate, and, indeed, we find that the life insurance companies doing business in this State hold bonds and mortgages exceeding sixty millions of dollars. They have in fact become during the last few years the principal lenders of money on real estate, and have done more to create and perpe-

tuate the present real estate speculation than almost all other influences combined. From fifteen millions in 1865, the amount thus invested has risen to over sixty millions in 1869—a capital of forty-five millions of dollars added to the real estate speculation in four years, surely sufficient to account for a very large advance in the value of property over a very wide area. It is only a few weeks since a piece of property was offered for sale at the Real Estate Exchange of this city, and reached a certain price beyond which no bids were to be obtained, when the agent of an insurance company or savings-bank announced that the corporation he represented would advance a certain amount on the mortgage of the property; bidding was immediately resumed, and the property finally sold for ten per cent. more than what was bid for it previous to the announcement. Such is the influence which the enormous amounts offered on bond and mortgage by the life insurance companies have had and have on the prices of real estate in this city and elsewhere. The latter have advanced in many instances four and five-fold since 1864, and prudent men are seriously asking themselves whether they can be maintained. It is argued that the great rapidity with which the population and wealth of the country are increasing, and are likely to continue to increase, prohibit the thought that real estate can decline. But those who argue thus forget that it took thirty years from the collapse of the great real estate speculation, in 1836 and 1837, to bring prices back to the level of those years, and that in some instances property on this island is to-day selling for less than its supposed value prior to the crash in 1837. We do not intend to argue that, with the liberal margins usually required by life insurance companies, there is any momentary danger of loss from any supposable decline in real estate. It is merely intended to point out the enormous power which these companies possess to affect the value of property, and the great temptation which there always will be to use that power for corrupt purposes. Nearly two-thirds of the available assets of the life insurance companies doing business in this State are thus invested in a security subject to more violent though less frequent fluctuations than fancy stocks in Wall Street—in a security the prices of which are most seriously influenced by the investments of the companies themselves, and which hence offers unusual temptations for illegitimate transactions.

It would seem that in a business so hazardous as life insurance would appear to be under a system of commissions to agents and investments in real estate, the community would require that the company should possess large means of its own to give some guarantee to insurers, both as a financial security and as a means of insuring the interest and watchfulness of the stockholders or their representatives, the board of directors. But the very reverse is the case. The total capital of all the insurance companies doing business in this State, with an annual income of over \$60,000,000, annual expenditures of nearly \$40,000,000, with total assets not far from \$200,000,000, and with risks exceeding \$1,600,000,000—the total capital of all these companies doing this enormous business is about \$10,000,000, or one-fourth of their annual expenditures, one-sixth of their annual income, one-twentieth of their total assets, and one one-hundred-and-sixtieth of their total risks. Of all the companies doing business in the State only two have capitals of \$1,000,000 (one of them doing only nominally an insurance business, the other quite recently started), one of \$500,000, two of \$300,000, and the rest almost exclusively of \$100,000 only, including the two largest companies, which together do nearly one-half of the entire business. The disproportion between the capital of these companies and the enormous magnitude of their business is less important with regard to their financial safety than it is with regard to their management and their responsibility towards the public. In all other financial institutions, the large pecuniary interests of the stockholders and directors are looked upon by the public as a guarantee of honest management. But in life insurance the pecuniary interest of the stockholders and directors is ridiculously insignificant. In the case of one of the largest companies, the total capital was less than one per cent. of the annual income, and less than one and one-half per cent. of the annual expenditure, while the annual fees to medical examiners nearly equalled the capital, and the commission paid to one single agent exceeded the entire capital of the company seven fold. It is evi-

dent at a glance that men do not undertake the management of and the responsibility of being directors in such enormous concerns for any possible benefit to accrue to their diminutive capital invested in them. There are undoubtedly men who do devote their time to the management of corporations from mere love of the thing. But, as a general rule, directors in such corporations understand that their services as such are to entitle them to a preference, under equal conditions, in the legitimate and proper, but nevertheless very advantageous and very desirable, use of the funds of the company. Nor would there be anything essentially wrong in this if the "equal conditions" could be preserved. But that is notoriously impossible.

#### FORENSIO ETHIOS.

THE history of the Erie Railroad during the last two or three years has brought into considerable prominence, besides many other questions of law and morals, the question of the proper limits of an advocate's duty to his client, and it has derived additional interest from the fact that it has been raised by criticisms on the professional conduct of a leading member not of the New York bar only, but of the bar of the United States, who has achieved a world-wide reputation as a legal reformer. We believe there has never been any general agreement either amongst lawyers or among moralists on this subject. Many distinguished moralists have always held that the lawyer's trade was essentially dishonest, and that it was not possible to pursue it successfully without more or less moral deterioration; that even the most careful and restrained presentation of a case involved concealments, evasions, and attempts to make the worse appear the better reason—or, in other words, to deceive—which could not be allowed a place in the art of legitimate persuasion, and which, hardly pardonable to a man in the excitement of pleading his own cause, were wholly unpardonable in a hired advocate.

On the other hand, lawyers, while acknowledging their general subjection to the ethical canons which govern men in the ordinary dealings of life, have always claimed, on purely utilitarian grounds, the benefit of certain exemptions, which they maintain to be absolutely necessary to the proper conduct of judicial enquiry, as long as that enquiry takes the form of attack and defence. Out of these exemptions they may be said to have framed a code of their own, which, even if it will not bear the application either of Christian or Stoical tests, they say serves a great public need, without detriment to the character of those who practise it. As pure and upright men as ever lived do practise it, we all know. These exemptions have, doubtless, been pushed in some cases to an intolerable extreme. The liberty claimed by Brougham for an advocate—that of treating his client's safety as the very highest interest, and seeking it at any cost, *per fas aut nefas*, is simply detestable. The laity has never acknowledged it to be anything but detestable, and any bar which acted on his doctrine would become a public nuisance; but no bar, we believe, has ever done so.

The main cause of the difference of opinion which exists, and has always existed, between laymen and lawyers as to the modes in which it is permissible to advocate a client's cause, and as to the rightfulness of pleading causes known by the lawyer to be bad, or of defending men known by the lawyer to be rascals, we take to be forgetfulness, on the part of both lawyers and laymen, of the fact that the advocate, under our system of jurisprudence, and, indeed, we may say under every system in which the courts administer laws and are bound by rules of procedure, has a twofold character. He is not simply the counsel of one of the parties; he is an officer charged by the government with the task of assisting in the administration of justice. When he appears in court, it is not simply as the representative of one of the litigants, but as the guardian of the general interests of the community. It is not simply his business to get the prisoner off, but to see that his trial is properly conducted; not simply to enforce or resist a claim, but to see that the procedure provided by the legislature for testing the validity of claims is not evaded or twisted or ignored. In doing all this, he acts not simply for the parties to the cause, but for everybody who may ever become a party to a cause; not simply for the person whose life or liberty or property is jeopardized by the pending case, but for everybody whose life or liberty or property may be brought into jeopardy in any case. When A is sued on a fraudulent demand, or tried on a false accusation, he unquestionably is indebted in a considerable degree for his chances of escape to the labors of lawyers who push such accusations or such claims, inasmuch as in those cases, as well as in others, they help to keep the machinery of justice in working order, and help to

keep alive that sense of the importance and even sanctity of forms which is, after all, our principal defence against oppression or spoliation.

This part of a lawyer's duty laymen almost invariably overlook. They see in him only the hired pleader, determined to win, no matter what the moral complexion of his case may be, and they are never thoroughly satisfied that an attorney who appears for a man whom he knows to be guilty and dishonest, does not thereby become *particeps criminis*. It has, however, been often pointed out, and is familiar enough to those who have given any attention to this class of questions, that the thing of most importance to a civilized community with regard to crime, for instance, is not so much that criminals should be brought to justice as that they should be brought to justice in the prescribed way. In this all innocent men are interested; if it were of no consequence, martial law and lynch-law would serve our purpose as well as any other. It follows from this that all judicial enquiries are enquiries not into a man's moral but into his legal guilt. Juries are told this by the judge at every trial. The court sits and lawyers argue in order to find out, not whether a man committed a murder, but whether the proofs, without which the law says no man shall be hanged for murder, are forthcoming in his case. It makes no practical difference, therefore, whether an advocate is satisfied that his client really did commit the murder or the robbery, or not. He has really, *quid* advocate, nothing to do with that question. His duty is to see that the evidence is sufficient and the procedure regular; and, to make sure of this, he is bound to give both the severest possible handling, and direct the attention of the court to every point and stage of them, and, in doing all this, he acts, as we have said already, not simply for the prisoner at the bar, but for every other person in the land. How confused the popular notions are on this subject, and how little consideration the Sentimentalists have ever given it, was well illustrated by the outcry against Mr. Evarts for undertaking the defence of Andrew Johnson, as if he did not at the impeachment trial appear for Grant and all future presidents, as well as for his actual client—for those whom "the party" might some day factiously and viciously seek to overthrow, as well as for him whom it was then righteously seeking to bring to justice.

As we have said, however, lawyers do often forget their character of officers of justice, and do act as mere advocates whose sole business is to get their client out of his scrape, and make money by it. It is the natural tendency of human nature, of course, in this profession as in all others, to look rather to the effect of a course of conduct on a man's personal fortunes than on the general welfare, and a lawyer's temptations to do this are so numerous, and the injury wrought by his doing it is so great, that in every country in which a bar exists, while he is allowed some special exemptions from ordinary moral responsibility, he is also saddled by law or usage with certain special restrictions. His dishonesty or ignorance works mischief not to his clients only, but to the community at large, by diminishing the power of the only criticism which the judges seriously regard—that of the bar. An upright and learned bench is not possible in conjunction with a knavish or unlearned bar, because nobody but lawyers can tell whether judges have either knowledge or principle. Moreover, as there is no relation between man and man in which one party has to place himself so helplessly in the hands of another as the relation of advocate and client, so there is no class whose want of personal integrity so seriously shakes mutual confidence and the general sense of security as the lawyer class. Indeed, honesty among a nation's lawyers may be said to be nearly as essential to its healthy existence as chastity among its women. They are expected, more than any other class, not simply to be just in the transaction of their professional business, but to promote justice by their influence and example.

It must be remembered, however, that the theory of the duty of the bar with regard to all classes of cases and of clients, rests altogether on the assumption that the courts are pure, and that when an advocate asks a thing of a judge the judge will only give it him if the law allows it. The bar is, in short, supposed to get the law, and nothing but the law, from the bench. If a state of things arises in which the bench is in a league with the dishonest, then we say, unhesitatingly, any lawyer who carries a dishonest man's case before the bench does *ipso facto* connive at the fraud; and it is the fact that that state of things has arisen in this State which has given the discussion about the Erie road and its lawyers so much of its acridity. There are two judges at least on the New York bench who are believed, on evidence which can hardly be gainsayed, to be corrupt, and to be in a corrupt league with the persons who have secured possession of the Erie Railroad. About the character of these persons there is, unhappily, no sort of doubt, and yet they have a perfect



right to have the claims made against them passed on by the courts, and to have competent legal assistance in doing so. Their character, be it never so bad, is, it must be admitted, according to the well-established usage of the bar, no obstacle to this. But the questions which now agitate the public mind are, whether, their power having become so great as to raise them to all intents and purposes above the courts and the legislature, their claims to legal assistance ought not, in the eyes of a right-minded lawyer, to be modified by the higher claims of public decency and morality; whether it is permissible to take any of their cases before a judge with whom they are known, or believed on good grounds, to have corrupt relations; whether any order, granted by such a judge for their benefit, can be considered in any proper sense a judicial finding, or anything better than an instrument of spoliation; and whether every lawyer is not bound to abstain from procuring, or using, or conniving at the procuring or using of such orders. The public is, in the matter of judicial corruption, very much at the mercy of the bar. The bar only knows whether judges are corrupt, for corruption is hardly ever patent or discoverable by the non-professional eye; and a lawyer is bound as a lawyer not only not to profit by such corruption, or allow his clients to do so, but to watch for and expose it. To use it for professional purposes is one of the gravest offences a member of the bar can commit against the community, and he is not only bound not to seek a corrupt judge, but to avoid using him. Nay, more, if there is no other judge to be had, we hold he is bound not to apply to him in a case in which he is likely to be dishonest, for what takes place before him is not, and cannot be a judicial proceeding. A corrupt judge is no judge at all; he is a robber. To refuse to appear before him no doubt may involve the loss of practice, but so might a refusal to bribe him.

Now, whether any member of the bar has in any way connived at or profited by the corruption which we know to exist on the bench of this city, is a grave question, but it is one which no layman is competent to answer. All charges of this kind must rest on facts. Names, dates, and circumstances are needed to give them substance, and these are not within the reach of the general public. There is probably no subject on which general report or gossip is of less value. Moreover, after the facts are secured, they need to be professionally interpreted. A layman may know that a lawyer did a certain thing on a certain day, but to decide whether he did wrong in doing it he needs the aid of professional opinion. He cannot condemn a lawyer, for instance, for appearing before a corrupt judge, without knowing whether he was brought there by the other side or went there voluntarily, or whether he could have possibly avoided it. There ought to be some tribunal before which such a charge as this, the bench being unreliable, could be investigated. In this State there is no such tribunal. The bar has no control over the conduct of its members; but there is an association in this city known as the Bar Association, which, if it cannot expel an unworthy lawyer from the profession, can at least let the public know what to think of him, and, if it refuses to perform this duty even toward its own members, it can hardly claim any higher character than that of a not very select social club. We submit that, if grave charges are current against one of its members, affecting his professional reputation—if these charges are generally believed by the public, and find frequent expression in periodicals of good standing on both sides of the Atlantic, and are of such a nature as to shake confidence all over the world in the security of property in this State, and to bring odium on the very name of a New York lawyer—the Bar Association should either enquire into their truth, and, if found to be false, publicly vindicate their member's character; or, if found to be true, make such proclamation of the fact as would put the community on their guard against him, and relieve the bar from the odium which, in the absence of any protest or reprobation on its part, his connection with it is calculated to bring upon it. If it refuses to do either of these things, both the accused person and the public will have abundant reason to complain, and the Association may fairly feel some doubts as to the reason of its existence. Our firm belief is that all that can be done for reform by private conversation in offices and over dinner-tables, and by general homilies on corruption, has been done. We have reached a point at which, unless persons of influence and character can be found ready to assume open responsibility for their opinions, we may as well surrender at discretion. There is no use in making a breach in the walls unless volunteers can be found for the forlorn hope.

## ENGLAND.

LONDON, January 6, 1870.

POOR Mr. Gladstone is unlucky in his constituencies. Everybody admits that he is one of our greatest orators and ablest ministers; yet it

seems as though nobody cared to be represented by him for any great length of time. When he lost his seat at Oxford, he found a refuge in South Lancashire; driven from South Lancashire, he received the honor of an election without canvass from the borough of Greenwich; and now it seems that some of the good people of Greenwich are repenting of the honor which they conferred, and would like to give Mr. Gladstone notice to quit. I am not acquainted with the details of Greenwich politics; but I imagine the cause of this discontent to be easily guessed. The reductions made by the present admiralty in the neighboring dockyards of Woolwich have caused a certain amount of distress and a good deal of irritation. The Tory party have, I presume, taken advantage of this circumstance to open fire, so to speak, upon Mr. Gladstone's rear, and have endeavored to give the complaint a character of general rather than of local dissatisfaction. Of course, the matter has been taken up more or less in the newspapers, and has led to some discussion of the errors committed by Mr. Gladstone's administration, and the defence set up for them. That there is a good deal of dissatisfaction in different quarters appears to be tolerably clear. The complaints are twofold. In the first place, the radicals have not forgotten or forgiven the concessions made to the church party by the education bill. They say that that measure was carried by the help of the opposition in spite of the efforts of the most genuine liberals; and they are suspicious of similar measures in future, especially in regard to the Irish educational system. From the other side, the conservatives declare, and a good many liberals sympathize to some extent with them, that Mr. Gladstone has pursued a very false policy in regard to military and naval reforms. He reduced our forces, they urge, till we found ourselves scandalously ill provided with men and materials in the midst of the most terrible of modern wars, and we are now endeavoring to make up for lost ground in urgent haste, and therefore at an extravagant rate. We discharged 20,000 useful soldiers, and are trying to entice them back again; we allowed our supplies of powder to fall to a ridiculously low ebb, and have now to buy from private manufacturers at an advance of 40 per cent. above the average price. I have no means of distinguishing the truth which may be contained in these assertions from the errors by which it is doubtless accompanied, but they presage a stormy session, and will no doubt lead to some very uncomfortable debates.

I see a letter in the *Daily News* of today which gives utterance to some of these feelings. The writer professes to be a radical, and says that his party looks forward with great anxiety to the fate of three leading measures. These concern the ballot, the licensing system, and army reform. The programme is, to my mind, very feeble; and I do not believe that many rational human beings care much for the ballot at the bottom of their hearts, or believe that we are going to make a serious legislative assault upon drunkenness. The third question, however, is more likely to lead to political complications. Though I have already touched upon the subject on one or two previous occasions, I will venture to call your attention to some of the difficulties involved. The gentleman who has been most active in the endeavor to get up an agitation on the subject is Mr. George Trevelyan, who has been publishing pamphlets, making speeches, getting into newspaper controversies, and generally seeking to gain a hearing for his views. Mr. Trevelyan is a very able as well as a very zealous and honest politician, yet he has scarcely met with the success he deserves; partly, I think, because he has fallen into some statistical inaccuracies, and has so given the enemy occasion to triumph over him. He tells us, and the statement is near enough to the truth to be unpleasant, that we spend near \$80,000,000 annually upon our army, and that for that sum we can only place in line, after making the necessary deductions for garrison duty, something like 35,000 men. In other words, we could produce one strong Prussian corps at twice the cost of the entire Prussian army. There are certain deductions to be made from this statement with which I need not trouble you. It is, however, remarkable that such statements can be made, and made with at least a plausible approximation to accuracy, and excite so little sensation as they do.

One main cause of this comparative quiescence is that the country is by no means prepared, in spite of all that can be said, to adopt anything like the Prussian system. Advocates of army reform have expressed a wish to see every man in the country drilled; and we are by no means so frightened or so ambitious of military glory as to be ready for so sweeping an innovation. Lord Derby expressed the general sense of the country when he said that it would be a retrograde measure to turn the nation into an armed camp. The suspicion, in fact, that a disposition to sacrifice everything to military efficiency underlies the eagerness of most military reformers, goes far to neutralize their efforts. The argument, indeed, remains that, as we choose to spend

so much, we ought to get more for our money. It seems, however, that the British public acquiesce pretty comfortably in an old established abuse, and do not work themselves up to the pitch of demanding reform till some serious catastrophe has made its necessity obvious to the meanest capacity. What has been done even by the terrible spectacle now before our eyes is not to produce any vehement popular outcry, but to make it necessary for the ministry to introduce some measure of reform in the ensuing session. To that, in one way or other, they seem to be pretty well pledged; they have the advantage that a moderate scheme will content the general public; but, on the other hand, in the absence of any strong pressure, they will have a difficulty in encountering the opposition of many men, and bodies of men, whose interests must be materially affected by any decided measure.

What is the nature of these interests may be briefly indicated by the resolutions of which Mr. Trevelyan has given notice. He intends to move, in the first place, that the purchase system should be extinguished. That system is so utterly monstrous in theory that it is difficult to understand how any reasoning being should get up and defend it. Yet, as every abuse which has lasted for generations must be convenient to a large class of men, and as most people hold that what is convenient to them must be good for the nation, it does not want eager defenders. Their great practical stronghold is that the first expense of extinguishing it would be enormously costly; yet it is impossible to move a step towards army reform without finding this preposterous arrangement in the way. A bit of evidence from an able general will be enough to point out its most palpably mischievous effect. "If a man knows," said Sir J. Franks, "that, with very little attention, and a smattering of knowledge, and lots of money, he is certain to get on, he is not likely to pay proper attention to his duties. I conceive that, as long as men think that money and interest will forward them in the service, they will not devote themselves to their profession." The consequence is, in fact, that English officers are essentially amateurs. They enter the army, as the Duke of Cambridge admitted, for three or four years "to see how they like it." It is not true to say that the army is aristocratic in any strict sense of the word; but it is certainly plutocratic, or, as Mr. Trevelyan puts it, a "plutocracy tempered by social interest." Of the various indirect modes in which the vested interest of officers in their commissions stops every attempt at improved organization, I have no room to speak; but they can be easily imagined. Mr. Trevelyan's next resolution points to bringing the Horse Guards under the complete control of the Secretary of War. The existing system of double administration is one of those things which nobody can understand who has not been initiated into its secrets by practical experience. It is enough to say that at present the Duke of Cambridge, as commander-in-chief, has a kind of independent and indefinite authority; but, as he is a member of the royal family, ministers are generally too delicate to interfere with him; that Mr. Trevelyan's assault upon him has been considered as something between treason and sacrilege; and that the Duke, though a well-meaning man enough, is a thorough obstructive, and an obstinate defender of all the worst points of our system. Then Mr. Trevelyan proposes that the militia and the line should be united in one common organization, and that various reforms, into which I need not enter, should be carried into effect, having for their main object the introduction of a short term of service, after which the soldier should pass for a time into some efficient body of reserves. As matters stand, we have a small regular army; a half-drilled and badly-officered militia, which has no particular relation to the army; and a large mass of volunteers who, at the best, are mere raw materials out of which an army could be gradually formed. To make a coherent and well-organized whole from these chaotic materials is a task so difficult that one rather hopes than expects that the ministry will propose some satisfactory scheme for the purpose.

Reformers have thus to contend against a number of discouraging circumstances. The intricacy of the system, which serves to condemn it in the eyes of intelligent observers, makes it almost impossible to explain its evils to the outside world. The assailant is easily enticed into such a labyrinth of complicated detail, where he makes statistical blunders and finds all kinds of unexpected arguments spring upon him at every turn, but ordinary readers grow bewildered, and give up the question in despair. Then there is all the enormous weight of social interests, beginning from that of the royal family down to the tradesman who gets some advantage from his connection with the local corps of volunteers; there are the whole body of officers who have invested large sums in their commissions, and regard any tampering with them as picking their pockets; there is the very large military element in both Houses of Parliament which de-

spises outside reformers, and is ready to swear that the British army is the envy and admiration of the universe; and, finally, there is the dislike of the radical himself to anything which savors of military extension. He is apt to regard the services as an abuse, which ought to be abated by a simple process of cutting down instead of improving their organization. It is still popular to condemn standing armies altogether, and to propose to rely upon our admirable band of patriotic volunteers. The ministry may well dread doing either too much or too little in so ticklish a business; and, though something must be done, I would rather not make any guess as to what that something will be.

As the piece of news which I am about to announce has already got into the newspapers, I have no hesitation in revealing it. Miss Garrett, the ablest of our lady doctors and advocates of women's rights, is about to be married. It is stated—though I cannot understand on what ground—that she thus forfeits her position in the school-board; but she is certainly not prevented from continuing her professional practice, and I am informed that she intends to do so.

## CHRISTMAS IN WAR TIME.

CASSEL, December 26, 1870.

LAST night a train carrying 800 sick and wounded French prisoners arrived here, and halted for a few hours that the men might have an opportunity to recover in some measure from the effects of the cold and hunger and thirst with which they were all suffering, have their wounds dressed, and be supplied with any medicines of which they stood in need. They were on their way to Berlin, whence they were to be sent still further north, and everything was done for them which could possibly help them to endure the hardships still in store for them, as their journey must continue through the night and be prosecuted in miserable freight-cars, neither lighted nor warmed, and supplied only with a scanty allowance of straw. To say merely that they had been suffering from the cold is to put it too mildly by several degrees. The fact is that, while numbers of them had frost-bitten hands, feet, and faces, four poor fellows were found actually frozen to death. The train had left Nancy two days before, when the weather, though raw, was not severe in temperature; but during the first night the cold became intense, reaching 14° to 16° Réaumur. The prisoners were transported in open platform cars, with no shelter, except such as their clothing afforded, and that, in many cases, was little indeed. The train did not stop for the weather, but continued its route with true military observance of orders and disregard of consequences. The prisoners were, many of them, weak, sick, and exhausted, and the effect of forty-eight hours of uninterrupted suffering from cold upon such men will not be exaggerated by the liveliest imagination. Many of the men were in such a state that it would have been murder outright to send them further; their lives would have come to an end long before their journey did, and the destination for which some of them were already plainly bound was not Berlin but the grave. Hence a considerable number were detained here, and divided among the military hospitals of the city.

Sixteen were assigned to the hospital where I am engaged, and, as I was "officer of the day" at the time of their arrival, I had the duty of examining them. They required to be looked after with special reference to small pox, as that disease had seized some of their comrades on their way hither from France. They did not present any symptoms of that fatal complaint; but nearly all of them were afflicted in various degrees with one or another of the pests which prey upon the soldier in war-time in winter. In the first place, their forty-eight hours' chill was showing its disastrous effects in various ways. Here the dusky countenance and partial asphyxia of a commencing severe pneumonia, there the swollen joints and intense agony of rheumatic fever, presented themselves. Poor exhausted victims of dysentery and typhoid fever, with chattering teeth, were vainly trying to get warm in bed. Some had frozen feet, many less extensive frost-bites. Their bodies were emaciated in nearly every case and covered with eruptions of various sorts, and they were infested with vermin in a truly appalling degree. It was on this latter account that they were all forced into a warm bath and given fresh clothing before they were allowed to take their beds. The bath was a necessary but cruel precautionary measure. It increased their discomfort to the last degree, chilling them still more by the rapid evaporation which it caused; and they must have felt their first reception in the land to whose tender mercies they had unwittingly committed themselves a coldly inhospitable one.

The men were all from the Loire army, and had been made prisoners in or about Orléans. Four of them were "Turcos," stupid but apparently good-natured fellows, certainly not the savage and blood-thirsty animals



they are usually represented to be. Four wore the picturesque Zouave uniform. The rest were from infantry regiments, several from the 16th infantry. There was one fair-skinned, flaxen-haired, blue-eyed Alsatian, or "Elsasser," as the Prussians called him, who spoke German with entire fluency, and whose Teutonic traits offered a marked contrast to the Latin proclivities of his comrades. He had received a severe gunshot wound through the shoulder at Moulin d'Anvilliers, before Orléans, on the 3d of December, where the French made such obstinate resistance, but were finally overpowered by the Holsteiners. He seemed to win the hearts of the German attendants by his manly behavior under his severe sufferings, his forlorn looks, and still more, perhaps, by his temperament and appearance, which allied him so closely to them, and every possible attention was paid to his comfort. He acted as interpreter to his comrades, and, indeed, spoke better German than French. He was complimented on his German looks and language, and assured that he could now forget French entirely, and make German his mother-tongue. He made no reply to this jest, but his countenance fell, and it needed no penetration to see that he had not yet learned to reconcile himself to the idea of transferring his allegiance from the defenders to the conquerors of his country.

A soldier's funeral cortège is no uncommon sight in these times. Almost every day two or three of them pass in the street before my window; but this afternoon I have seen two whose unusual nature will perhaps merit a few words. In every particular save one they were exactly like the procession which ordinarily escorts the Prussian soldier to his grave: a squad of perhaps 50 men marching in rear and van divisions, between which are borne upon the shoulders of six comrades the soldier's mortal remains. The coffin is enfolded in a black pall, upon which rest the sabre and helmet of the deceased, encircled with garlands of flowers. The one particular in which these two processions differed from the ordinary ones was that, instead of the burnished helmet encircled with its wreath of immortelles, there rested upon one coffin the elaborately braided red cap of a French soldier of the line, and upon the other the tasselled headpiece of an Algerian Zouave. The bright red of these headcoverings formed a striking contrast to the solemn black pall, and told its sad story in an instant to the glance of every passer-by. These were two of the poor fellows who made so disastrous a journey hither yesterday from France; and it cannot be long before they are followed by still others of their unlucky comrades, many of whom are in a low condition which forbids the hope of their recovery.

It will, perhaps, seem like cruelty or criminal neglect on the part of the Government that men should be frozen to death during transportation through the country, but the circumstance was one which could not have been foreseen, and, if it had been foreseen, would have been difficult to prevent. The soldiers of the Prussian army are transported in precisely the same manner, and ordinarily ride safely if not comfortably. The cold came on suddenly, other cars were not to be had, military orders are necessarily peremptory, and the fate which overtook these poor men was only one of the inevitable consequences of disastrous war. This is the manner in which I heard the thing settled in a solemn conclave of warriors and burghers at the "Spotted Buck," a quiet old inn near the hospital, which I visited last night. One veteran of 77 years, who had been at Leipsic, as he handed his snuff-box round the table, recounted the horrors which stared every sick or wounded soldier in the face in "anno '13," and by contrast of those times with these the loss of half-a-dozen men by freezing to death seemed indeed only a trifle. Altogether, these Hessians and Prussians do not find it difficult to console themselves for the misfortunes of France. The manner in which Napoleon I. made these provinces his hunting-ground is not forgotten here, neither are the designs which his nephew entertained.

Besides the survivor of Leipsic, there was an old comrade present who had been at Waterloo. The two old companions in arms meet at the "Spotted Buck" regularly on Wednesday evening of each week. They are both men of character, wealth, and influence, and the tendency and effect of their conversation may be imagined. Northern Hesse, Prussian only since '66, might be restless under the Prussian military system in other circumstances, but she has shown no reluctance to send men against France, and, indeed, has done valiant service on more than one occasion. The young men who are now being called into service for the first time, under the new regulations, as a rule respond with alacrity to the summons. At the very worst, indeed, the severe but impartial and enlightened policy of the Prussian Government could not but be preferable to the petty tyranny which the former Kurfürst exercised.

Whenever an American finds himself in Prussian company nowadays,

he is sure to encounter, in one form or another, the question of American sympathy with the French Republic. The veteran of Leipsic aforementioned, in speaking on this question of the relations of the United States with the "so-called" Republic of France, permitted himself to describe that republic by the untranslatable term "schweinerei," and expressed it as his firm conviction that the Americans were reasonable beings, and, whatever Mr. Washburne might do, would understand the difference between a "schweinerei" and a genuine republic.

R. S. D.

DRESDEN, December 30, 1870.

IN these war-times, when we read, day after day, of marchings and countermarchings, of ruined homes, and all the misery and desolation which war brings both to the conquered and the conquerors, it may interest your readers to turn to a short account of two among the many celebrations characteristic of this strange, sad Christmas of 1870, which sees the German Fatherland reunited after so many years, but its peaceful home circles broken up, and almost every family dwindled by distance and danger, if not by death.

The following is a literal translation from yesterday's *Dresdener Nachrichten*:

"Certainly never has Christmas festival been solemnized with a more fitting or more deeply impressive consecration than that which the German and French soldiers held together in the hospital here. In the small room of the pious sisters, the soldiers stood around the flaming Christmas tree, which, indeed, has its special significance only for the Germans. The latter sang with much feeling their beautiful old Christmas songs, 'O du selige, o du fröhliche gadenbringende Weihnachtszeit,' 'Stille Nacht, heilige Nacht,' etc., concluding late with Fatherland songs. As the French, of course, could not follow the words of these, they were encouraged to sing some of their own songs. Although they had observed that the Germans sang their 'Prussian Marseillaise,' they did not respond to this, but began 'Le Montagnard,' whose sad, touching melody every German clothed almost involuntarily with the words 'By the rivers of Babylon, there we sat down and wept; we hung our harps upon the willows,' etc. Many of the German soldiers wept, till at length a one-year volunteer proposed a song in common, 'O sanctissima, O purissima,' which holy hymn was known to many, both Germans and French. At the conclusion of this, the one-year volunteer set his French vocables in order of battle, and addressed the following speech to the French:

"Mes chers camarades français! je demande pour un moment votre attention. C'est aujourd'hui la fête de Jésus Christ, qui a été premier apôtre de l'amour pour le monde entier, qui n'a pas voulu la guerre, et qui a commandé aux hommes d'aimer les uns les autres. Eh bien! Espérons que le jour arrivera bientôt, où il n'y a plus de guerre, où tous les peuples aiment les uns les autres comme des frères, et où, sur le drapeau de l'humanité, seront écrits les mots: Liberté! Liberté! Liberté! C'est pourquoi je vous demande d'écrier avec moi devant cet arbre brûlant: Vive la Fraternité, la Liberté, l'Égalité!"

"Free from national passion, the French joined with enthusiasm in the concluding words."

The other occasion was a "Christbescherung" (Christmas present-giving), at which we were present last night, and which interested me from its thoroughly German character. A week or more ago an advertisement appeared, stating that the Dresden "Liedertafel" (glee club) would give a "patriotic evening" on the 29th, for the benefit of children of men who had fallen in the war, or whose prolonged absence left their families without adequate support. Tickets were to be had for ten neugroschen (25 cents), or in exchange for useful and appropriate presents, and the notice ended with an earnest appeal to the rich and happy children of the city in behalf of those less fortunate. The hall in which the concert was given is the largest in Dresden, and was very prettily decorated for the occasion. A tall fir-tree, covered with candles, surmounted by a Christ-child, and embraced by a woe-begone waxen St. Nicholas seated at its foot, occupied the centre of the room. Eight long tables, covered with ticketed presents, radiated out from this, each terminating at its outer end in a smaller tree, connected by long, hanging streamers with the central one. Smaller tables were scattered through the hall, round which the audience were seated in family and friendly groups, prepared to absorb music and beer at the same time in true German fashion. Soon the singers formed on the stage, under the flag of United Germany, and the performance began with Körner's "Prayer before Battle," music by Weber, most beautifully given by one of those rich, soft, perfectly trained choruses which only a musical nation like the Germans can produce. Then came a new song, "On September 3d, 1870," marked by the earnest, religious feeling, the absolute outspoken

conviction that "God, even their own God," is fighting with and for them, which makes them in their own eyes a chosen people, almost like the Jews of old. I suppose every nation, especially in its time of trial, has something of this feeling, but, since the days of the English Puritans, no people have taken it so solemnly and seriously to heart as the Germans. The thought is summed up in one line of the song to which I refer:

"Nun hebt vor Gottes und Deutschlands Schwert"  
("Now tremble before the sword of God and Germany"),

and with the deepest sympathy for this great people in this time of national exaltation, and a real respect for the simple earnestness which makes such expressions natural to them, one cannot but smile at the literalness of the statement. A Christmas hymn followed; then a poem spoken by the author, and describing, as far as I could follow it, the camp Christmas before Paris, the coming in of the field-post with news from home, the hope that the day might pass without bloodshed, etc.

Meantime, the candles on the smaller trees were lighted, and after a few moments the door was thrown open, and with a burst of martial music the children's procession entered. It was headed by a brass band, a "Musik Chor" of small boys, playing the "Wacht am Rhein" with a will, and in excellent time and tune; then came a figure with long gray beard, hooded cloak spotted with snow-flakes at alarmingly regular intervals, a bundle over his shoulder, a toy in one hand, and a bunch of rods in the other, known to readers of German story-books by the name of Pumpernickel. The strains of the music passed in through the great hall, and a long line of children followed with their mothers, the young faces of the women and the little children, many of whom were in their mothers' arms, making one think sadly of the young fathers who had marched away to the sound of that same melody, many of them never to see their German homes again. There was a weary sad look in the women's faces, some full of feeling, others with something practical, almost hard in them, as of people on whom the daily cares of life weighed too heavily to leave much room for sentiment, but all with that steadfast, patient endurance so characteristic of the Germans, especially of the women. The children gazed solemnly at the lighted trees, little ones on the floor struggling vainly to get a glimpse of the wonders around through the mass of grown people in which they found themselves embedded. Without being especially pretty, not nearly as pretty as the English charity children, for instance, there is something particularly taking and childlike in the ways of the German children, and these looked well fed and were comfortably clothed—a bright hood or new coat here and there giving token of some previous festivity. The presents were numerous and handsome, comfortable winter garments and other useful things, and really nice toys, mostly contributed from the toy-shops, I believe. It was good to see the little faces light up, and the mothers smiling and enjoying their children's pleasure with a ready demonstrative gratitude which one will hardly see on such an occasion with us. There was none of the stiffness which is so apt to mar our public benevolences, but a cordial, homelike cosiness pervaded the whole affair. Every face was bright when they passed us again on the way out; the children's arms filled, the mothers' quite loaded down, each woman carrying a large "Stollen," the German Christmas cake, on top of her basket or bundle. Some of the children stopped to shake hands and show us their presents. As they went out, the boys began to play again, and it was striking to see how many, even of the smallest children, kept time to the music, little ones in arms beating time with their hands, and others falling unconsciously into a marching step. When the poor children were gone, and the boys' music over, fresh supplies of beer and sandwiches were brought in, pipes and cigars made their appearance, more songs followed from the "Liedertafel," and in a thick cloud of tobacco smoke the performance came to an end; the "Wacht am Rhein," which, though not in the programme, was called for by acclamation, forming an appropriate finale to this "patriotic evening."

H.

[Extracts from the private letters of an American lady.]

VERSAILLES, Dec. 26, 1870.

On Saturday we went to a Christmas-eve party, and helped to dress the trees beforehand. Never was a sight more "sad and strange." We were in the central hall of the château, lighted by regal chandeliers of rock-crystal. Just remember, for a moment, what were the last fêtes seen in the palace. "Le repas des gardes du corps" was the fatal banquet which precipitated the Revolution. After a long interval, Louis Napoleon received at Versailles the Queen of England, ready then to call him "cousin." The next time the candles are lighted, it is for the German

wounded, of whom more than twenty-five witnessed the festivity from their beds, and as many more came in, limping and bandaged, helped along by their nurses or trying their crutches for the first time. Besides these, the company consisted of six ladies, English and American and German, who visit the hospital every day, ten or twelve *sœurs de charité*, some of them surprisingly lovely. The medical staff, headed by the chief surgeon, superbly dressed, an aide-de-camp of the Prince Royal, and the Commandant Voights-Rhétz, in full dress with decorations. A clergyman made a prayer and read the old familiar story of the Nativity. A military band in the vestibule played Christmas hymns. It was wonderful to see them there, grouped between rows of high pedestals, with gilt branches for candles alternating with tall shrubs in ornamental pots. Louis XIV. died in the chamber above the spot where the Germans were blowing their cruel trumpets and stirring the frosty air with their Protestant hymns on Christmas eve 1870. Those who are familiar with the château will recognize the Salle Louis XIII. as the place where this lugubrious fête took place.

"What, shall our feast be kept with slaughtered men?  
Shall braying trumpets and loud charli-h drums—  
Clamors of hell—be measure to our pomp?"

After service, we helped to distribute the gifts: a flannel shirt, pair of stockings, apples and nuts, for 200. Three ladies gave 600 apples. There were also 200 large cakes with plums, according to a German custom. We had great fun, on that day and the next, giving our particular gifts—hair-brushes, boxes of matches, cigars, knives. — gave two new ribbons to a most beautiful wounded officer who had worn his medals since 1866. Words cannot describe his beauty. This is the man to whom — gave a pretty little box, in which to keep his bones, extracted from his foot! There were eight Christmas-trees, all arranged on long tables in the Salle Louis XIII. They were very pretty, and I learned a number of German fancies while helping Herr Barons and others to dress them. It was a very touching scene, and even painful to those not familiar with its elements; but I know of far more heart-rending exhibitions in some far-away halls of the great palace. I had made my visit in the morning to the condemned. You would not like to know about them, dying of hospital fever, and actually pained by this advent of Christmas. One officer, who has been in a dying state for days together, delicious sometimes, asked to have a Christmas tree. They say he tried to sing a hymn when it was brought to him. We make a point of going to him, for he mistakes us for his family and friends, and astonished my brother by saying he used to see him in Berlin with Mr. Hildebrand. However, I have no intention of dilating to you on these things. It would not be right to force on you our experiences in hospital, which are made tolerable by excitement and action. . . . This morning I went to skate on the Grand Canal, where an old woman with hot coffee and a pot of charcoal represented the luxury of the ex-Empire. No hussars skated *in spys* to-day, but a Polonaise in costume, also an English lady with three little children, all on skates, and prattling and laughing, in pleasant contrast with old Gen. Von Moltke, quite alone, seeking sylvan solitude, while far-away guns were audible; stern-faced, without insignia of rank, and enveloped in an overcoat, through the arms of which he doesn't put his own. He thus looks like a man in a tragedy about to do a foul deed. They who know say it is impossible to read his countenance, which is the same on the eve of a great battle, in victory, and in defeat. I once saw the funeral of a poor private cross his path, and watched him narrowly. But, as usual, not a muscle of his face stirred. He merely stopped to let it by, gave the salute to the dead body, and went on, apparently unconcerned. An anxious Versailles woman asked a friendly Prussian soldier, quartered in her house, whether the French could send shells as far as she was. "*Die Français nix boum-boum Versailles.*" *Nix* is the one word now known by all French, and *nix pain, nix beurre* tells soldiers they are out of bread and butter.

## Notes.

MESSRS. D. APPLETON & Co. have in press several scientific works, of which that by Mr. Darwin is first in point of interest if not in importance also: "Descent of Man, and Selection in Relation to Sex." "Electricity and Light," by Prof. Tyndall, and "The Beginnings of Life," by Prof. H. C. Bastian, with whom Prof. Tyndall has lately been having some sharp words in regard to spontaneous generation, are two other works announced by the same house.—Messrs. Leypoldt & Holt have admitted to partnership Mr. R. O. Williams, a gentleman connected with the house for some



years, and whose name will appear in the firm style of Leypoldt, Holt & Williams. Following the line so well begun by Prof. Pumpelly's popular book of travel, they will soon issue "Travels in Central America: including accounts of some regions unexplored since the Conquest," by the Chevalier Arthur Morelet. The translation is by Mrs. M. F. Squier, and Mr. E. George Squier furnishes an introduction and notes. The operations now in progress to connect by rail and by canal the Pacific and the Atlantic must inevitably attract attention to the history and archaeology of the remarkable country which this book treats of, doubtless without revealing more than a small part of its mysteries.—Messrs. Hurd & Houghton's announcements for February are: "A Hand-book of Legendary and Mythological Art," by Clara Erskine Clement, which will be "fully illustrated;" two more of the Hans Christian Andersen series—"Stories and Tales," and "The Story of My Life;" "From Fourteen to Fourscore," a novel by Mrs. S. W. Jewett; the second volume of the "Life of Nathaniel Greene," by Prof. George W. Greene; and Volume V. of Albert G. Browne, jr.'s "Reports of Cases Argued and Determined in the Supreme Judicial Court of Massachusetts."—The author of several juvenile works has produced, and Messrs. Dodd & Mead will publish, "Max Kromer: A Story of the Siege of Strasbourg in 1870." The same house announces, with considerable reduction in price, new editions of "Cruden's Concordance, unabridged" and "The Quarto Gospel Treasury."—Messrs. Harper & Bros., besides several novels, have in press "The War Correspondence of the Daily News;" "Strange Dwellings," by the Rev. J. G. Wood; Yonge's "Musings on the Christian Year;" Holland's "Sinai and Jerusalem;" Tristram's "Scenes in the East;" Cunningham's "Ancient Geography of India;" and Jesse's "London."—"Nebraska Legends and Poems" is the title of a work by Rev. O. C. Dake, which will shortly be published by Messrs. Pott & Amery. The mention of this firm reminds us that they are the agents in this country of the Arundel Society of London, whose objects and productions are doubtless known to many of our readers. To others we may say that it was founded in 1848 to promote the knowledge of art by copying and publishing important works of ancient masters, and that it has been instrumental in reproducing many perishable and actually perishing paintings, as well as in making more widely known the works of various schools and masters, an acquaintance with which must be supposed improving to the taste as well as gratifying to the curiosity. For particulars of membership we must refer to Messrs. Pott & Amery, at the Cooper Union. The Society's publications consist of a spring and an autumn issue, and those for 1870 are as follows: (1) Three chromo-lithographs, on one mount, from the panels forming the upper centre picture of the altar-piece, by the Brothers Van Eyck, in the Cathedral of St. Bavon at Ghent, and representing the Triune God, the Virgin Mary, and St. John the Baptist; and two chromos after frescoes by Fra Angelico and Fra Bartolommeo, in the Convent of St. Mark at Florence, viz., Christ and Mary Magdalen in the Garden, and Jesus and His Two Disciples at Emmaus; (2) A chromo after a fresco by Fra Angelico in the same convent, representing the Transfiguration; and two chromos from pictures by Albert Dürer in the gallery of Munich, which represent the apostles John and Peter, and Mark and Paul, respectively.—Mr. Sibley's "Harvard Biographies" is now in the printer's hands, although the requisite number of subscribers has not been obtained—requisite, that is, to pay for the actual outlay, since the author's time and labor he consents to count as nothing. We trust that his faith will be justified, and have little doubt that it will. The work has grown on his hands, and will be larger than he expected at the time of issuing his prospectus, and will be printed on better paper.

—No one yet knows the loss to the literary, scientific, and artistic worlds, and to the world of affairs, wrought during the year just gone in the war waged upon each other by the two nations which are at the head of civilization. The gain to mankind which is to be brought about by the appalling sacrifice of German and French lives had needs be great to compensate the world for the extinguishing of so many fine and great intellects as the last six months have seen snuffed out. But apart from the killed in battle, the necrological history of 1870 is mournfully rich in eminent names; and America furnishes more than her share of names that everywhere are justly celebrated. Thomas, Farragut, Lee, and Dahlgren—two great generals whose names are to be familiar to many generations; a great admiral; and a scientific sailor, eminent in his profession, and secure of long remembrance as an inventor—are counted among our American dead of the last twelve months. From among our authors we have lost none of great distinction, but several who were of merit and are well known, as Gulian Verplanck; Kennedy; Anna Cora Mowatt Ritchie;

William Gilmore Simms; Albert Barnes, the widely known commentator on the Scriptures, whose works have been scattered abroad by hundreds of thousands, and deserved their popularity; George Prentice, an editor of very great influence; and Nathaniel Willis, the father of the poet, and the Nestor of American journalism. In politics and law, the deaths are recorded of Robert Grier, a justice of the United States Supreme Court; David Burnett, once famous in Texas politics; Anson Burlingame; Pierre Soulé, of better fame in law than in politics, and of abilities much greater than his reputation; and George Ashmun, lawyer and politician, and the chairman of the convention which first nominated Lincoln for the presidency. Prince Salm-Salm, too, we might mention among the American dead of the year, one of the more striking passages of his adventurous life having been four years of service in our war of the rebellion, and a year of service on the staff of Maximilian. He was killed at Gravelotte, fighting a French marshal whom his Mexican experiences had given him small reason to love.

—The English, as well as the French, suffered by the loss of their greatest story-teller, Dickens having died in the summer, at the comparatively early age of fifty-eight. Lord Clarendon, Sir James Clark, Captain Cowper Coles, the inventor of the shields for armored ships; Mark Lemon, one of the founders of *Punch*; Sir George De Lacy Evans, who fought with distinction in Spain, in India, in the Crimea, and against us, and died at the age of eighty-three; Canon Dale, MacIise, the artist, and Balfe, the musical composer, are others of the best known of the Englishmen who have died within the year. In Spain, in the very last days of the year, on the 28th of December, Don Juan Prim, one of the most striking of the historical figures of this age, so rich in striking historical figures; leader of the revolution which dethroned the last Bourbon, Isabella II., whose love he had refused, and who had twice exiled him; life-long intriguer and conspirator, for the last two years the ruler of Spain and the soul of Spanish politics; the man by whose act the present eventful war between France and Germany was precipitated, ended his strange career by death at the hands of an assassin, perhaps by the manner of his death doing as much to establish firmly the monarchy of his choice as his labors in life had done to make its first establishment possible. He was but fifty-six years old at the time of his murder.

—Paris as a city of the first magnitude, eating its omnibus horses and gradually reducing itself to immobility, is not so astonishing a spectacle as the same capital besieged into silence, with its periodicals suspended and its great book houses devoid of business, and the press itself contracted and powerless. The unloosing of tongues will follow soon enough the taking of Paris, and for a time, at least, there is reason to expect—if only topics are considered—an unprecedented literary activity. One class of works, whose popularity has already been enormous, though the sale was restricted in every way under the Empire, is likely to be sought after with increased avidity, and this time let us trust that their lessons will, after the late bitter experience of the horrors of war and "glory," be taken more deeply to heart than they have ever been. We refer to the remarkable fictions of Messrs. Erckmann-Chatrian. A correspondent of the *London Times* lately had an interview with the former of the two partners at Pfalzburg—a place of which the siege in 1814-1815 has been commemorated by them in "Le Blocus." Erckmann announced his intention of narrating also the recent siege, which, he said, "has features differing greatly from the last blockade. Then we lay under a military despotism; now it is France and her people who are fighting for their hearths. There is a human interest which was wanting before." The correspondent was cruel enough to compare mentally the promised picture of the present crisis with that which Victor Hugo may be expected to give us. Erckmann seemed to desire the neutralization of Alsace, believing it could be maintained as Belgium's had been. As for France, he chiefly expressed anxiety on account of the gulf which, he had begun to fear, was widening between the two great races, of which the Gascon and the Breton are the types. "The world is not cognizant of this," he added, "but I have watched it with foreboding." What has heretofore attached Alsace to France was not, "as is so often said, simply the wars of the Empire. It was the Revolution, against whose excesses and terrorism it so stoutly struggled. It was the abolition of the vexatious seigniorial oppression, the destruction of feudalism, the establishment of equality." These gains, we must admit, may suffer somewhat at first from annexation to Germany; but as they did not preserve Alsace from subjection to the second Napoleonic despotism, it is clear that the value of them has been overestimated. To exchange equality of the French sort for German feudalism plus the university and a popular army may, considering the tendencies of the

age, be accounted a good bargain; while by helping to remove the remnant of feudalism in Germany, Alsace may worthily repay its debt to France.

—The editor of the Boston *Congregationalist* promptly disavows the paragraph on which we commented a fortnight ago, and which charged the *Nation* with "a manifestation both in its own editorials, and in the communications which it receives from others, of an open and undisguised contempt for clergymen as a class." He states that it was published by mistake, after explicit directions to the contrary, and to his sincere regret; and that "it certainly would not have appeared without substantial modifications," he being of opinion that the charge, if it had any force, related to the communications to this paper, and could not justly be brought against its editorials.

#### NORTH AMERICAN REVIEW FOR JANUARY.

THE number before us is, we should say, an average number, though, perhaps, rather below than above the average. It opens somewhat unfortunately with a paper entitled "The Aborigines of Nova Scotia." A good solid piece of out-of-the-way philology, unreadable by most of mankind, is, we take it, what the editor owes us who proffers us an article concerning the aborigines of Nova Scotia. Or else an article, readable by everybody, containing something like a good account of the curious ways of a singular people, three-quarters pagan and not half-civilized, who live undisturbed their peculiar lives amid a race which is of one blood with ours—ours which murders the Indian, and which our Indian constantly does his endeavor to massacre. The same sort of strange torpidity which in its own home characterizes that vigorous and energetic offshoot of the English race which inhabits the Dominion would seem to have affected the savage Algonquin also, and in the solitude of the Canadian pines and junipers he has vegetated into a hulking, lazy, healthy rascal, who has forgotten scalping and the chase, and is content with petty larceny and going a-fishing and setting traps and selling baskets. Mr. William Elder, our author, has made neither an article that would please Mr. J. H. Trumbull and Professor William D. Whitney and the Abbé Brasseur de Bourbourg, nor one that the unphilological reader might enjoy for the freshness of its description of an unknown tribe of neighboring men. He has merely strung together a few Indian legends, not unamusing in the perusal, but so plainly alloyed with what the Micmacs have picked up from the French, the English, and perhaps also from the Provincial negroes, with whom they have for some generations been in contact, as to be very unsatisfactory when considered in any light but that of merely entertaining reading with which to while away an idle half-hour. It is a good subject very inadequately handled. It will, however, in all probability remain good for a long time, as there is sufficient reason for believing that the Micmacs maintain their numbers, and that they, like their brethren in other parts of the British possessions in America, are as numerous as they ever were. Apparently the secret is, not that the Yankee is crueller and less regardful of human life than the other members of the English-speaking family, but that in the vast spaces of the northern half of the continent there is plenty of game and fish for all, an inhospitable climate, as unfavorable for warfare as for horticulture, and that there is no possibility of the occupation of any considerable part of the whole immense region. It has been but little worth the Indian's while to kill the white man instead of partaking of his rum and tobacco, and catching him his fish and deer; and it has been as little worth the white man's while to give his attention to killing the Indian instead of buying his peltries and bear's meat. On this side of the line the two races have always crowded each other, and, seemingly, they always will—a short always, the Indian historian may most likely think it.

The closing article of the number is one entitled "Pope," by Mr. Lowell, who accords the great Anne-Augustan wit more praise than it might by many have been expected that he would give, and more, no doubt, than will to many seem just. Indeed, there will be some who will be little less than astounded on reading that, "where Pope found a subject exactly level with his genius, he was able to make what, taken for all in all, is the most perfect poem in the language"—"The Rape of the Lock," namely. If it were only a poem at all, one says to one's self. But it is true that Mr. Lowell, when so speaking, has in his mind a remark of Lessing's which he has just quoted, and in which it is said that "Pope's great, I will not say greatest, merits lay in what we may call the mechanics of poetry." Moreover, although Mr. Lowell is not at pains to point out and insist upon the heaven-wide difference between poetry and the verse which is the

rhythmical utterance of the experiences of conventional life, nevertheless he gives us to understand plainly enough that his praises of Pope are of Pope as the poet who gives metrical expression to the highly sophisticated London life of his very periwigged day. And here, to our mind, he appears to concede too much. He even says: "The question properly stated is, How much was it possible to make of the material supplied by the age in which he lived, and how much did he make of it?" And to this question Mr. Lowell would answer—seemingly he would answer—that Pope made of it a vast deal, and that he merits great praise among poets. A truer answer, one would think, would be that there was so little to be made out of it that contemporary poets like Thomson and Collins and Akenside and Dyer—whom Mr. Lowell does not forget to mention—would none of it, but left the material furnished by the age to the age's born prose-writers, of whom, by the way, the best, Addison, is the age's typical and representative man. And as for the question itself as above given, one would think that "the question properly stated" would be not that at all. That his age has its unescapable influence on the poet, however great he may be, is past doubt; that he need make it the subject of his work, and let it saturate all he does—this is not an altogether indubitable proposition. We confess unwillingness to speak without more consideration; yet, recognizing our obligation to speak after having expressed dissent from the conclusions of an authority not to be lightly questioned, we shall say that Pope seems to us not "to stand for exactness of intellectual expression, for perfect propriety of phrase" (when taken at his best), but that he has, as in the imitation of the "Pollio," a sounding rhetorical eloquence; as in the "Abelard and Eloise," something of the passion of a sickly man, who knew little of affection because he was of a heart neither large nor tender, and that while he had no imagination, and was by this deficiency and by the others mentioned made incapable of poetry, he was, nevertheless, fitted for the place he attained, and which he holds without a rival, because he had an unequalled faculty of tipping with wit the products of the common sense and quick and keen perceptions of a mind neither very high, very broad, nor very deep, and the emotions—to call them so—of a spirit perfectly subdued by the spirit of the vulgar time in which he lived.

As sometimes happens in Mr. Lowell's writings, there are in this essay incidental things that are even better than the main thing. Some of the remarks about other poets than Pope are extremely good and valuable. It may be proper, too, to call the attention of admirers of Mr. Lowell's wit to the fact that the brilliancy is never at the expense of soundness. Where else to look for so much truth of criticism, lit up by more brilliancy, and brilliancy less delusive, we do not know.

We have left ourselves little space to speak of the other articles in this number of the review. One, and the one which has attracted most attention and called forth most comment, is by ex-Secretary Cox, who treats of the prospective reform in our civil service. There is, perhaps, in what he says, not much that has not been in print before, and that has not been as forcibly and effectively said as he says it. But literary considerations are here of least importance; the essay is the well-considered work of a man who has had the best opportunities for knowing his subject most thoroughly; who brought to the learning of it a mind as able and a temper as philosophic as is often seen in Washington; and whose words will sooner or later, if not just now, have great influence, Mr. Cox having to an enviable extent the good opinion of almost every man in the country outside the ranks of the politicians, and having the politicians' hearty contempt.

"Mining Schools in the United States" is by Mr. John A. Church, a mining engineer recently returned from Germany, who undertakes to give some brief account of existing schools of mines in this country, and similar schools in Germany, Austria, and Russia, and also to indicate the proper course to be pursued in the establishment and management of such mining schools as may in the future be set on foot in the various rich mineral regions of the United States. Mr. Church's paper, whether or not all its conclusions are correct and all its statements are accurate, seems very intelligent, and is a very fair example of such treatment of a subject intrinsically possessed of only technical interest as may make it interesting to the general reader who has some curiosity.

"Modern Architecture" is by Mr. Russell Sturgis, Jr. It is difficult for the profane to say anything about these sacred subjects without feeling uneasy as to how blasphemous and heretical he has been; and as to whether he has exposed himself as preyed on by only a pitiable or by a thoroughly execrable degree of ignorance. This article, we make bold to say, has for at least one merit that it condemns that imitation of the admired architecture of other ages which has now for so long a time been



the habit of modern architects. Doubtless, coming from so practised an architect as Mr. Sturgis, and one of such wide reading and study, there is very much in it that will be of interest and advantage to the professional reader. Other readers will not find it so instructive; if we judge by our experience, they will understand just enough of it, and so well like what they do understand as to wish that the writer had made himself more comprehensible to the multitude.

"Prussia and Germany" is a survey of recent Prussian history by Mr. H. W. Hemans, who is firmly pro-German. In "The Government and the Railroad Corporations," Mr. C. F. Adams, jr., makes another attack on his old enemies, the railroad directors, and of course has the least difficulty in the world in making the case look very bad for them. But, then, they carry us about, and they carry our goods about; and if they do buy up our legislatures and do steal our public lands, why, we have so much public land that we do not know how much we have, and we voters can afford to be cheated, though you stockholders may think that you cannot, and as for the corruption of legislatures, that is bad; but it happens at a long distance from our farms and shops. Moreover, Mr. Adams confesses that the remedy for this monstrous rascality and great danger which he attacks is still to seek; and the one he hints at is not so promising of unmixed good that people will not put up for a good while longer with the ills they have rather than fly, as they fear, to others, of which also they have had unpleasant experience. The case is a bad one; and it seems as if something must speedily be done; nevertheless, it will be a

number of years before people will believe that our State governments have got so good that the railroad corporations had not better be left to their cheating than that railroads should be brought into State politics; and shortly thereafter into national politics—a natural and, indeed, all but inevitable sequence. The history of the relations of the railroad directions of foreign countries with the state seems little likely to be of much use to us here, at least in the discussion of our main problem. But Mr. Adams's suggestion of the establishment of a tribunal which should interpret and enforce general legislation in reference to railroads, all special legislation being absolutely forbidden, may have in it the germ of much good, and appears to be worth pondering.

The literary reviews are not many—only half-a-dozen; a number that is seen to be very small indeed when we think of the *Review* as a literary journal, which comes out but once in three months, and which should by rights deal with all important and some unimportant publications in American literature, and with a good part of what is published in Germany, France, and England. But, though few, the critical notices are all good, the best being an admirable article—doubtless Mr. Whitney's—on Cox's "Aryan Mythology." Mr. Cox is one of the classical and philological scholars who were completely taken off their feet when Mr. Max Müller introduced "The Solar Myth" to their attention. Mr. Whitney's notice, which is a model of condensation, and apparently of learning unostentatiously employed, contains besides its learning some subdued fun making which everybody, including Mr. Cox, will enjoy.

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